

## Hancock County Board of Commissioner's Minutes

December 5, 2017

Commissioners met in regular session. Those present were Board of Commissioners President Brad Armstrong, Vice President Commissioner Marc Huber, and Commissioner John Jessup.

Accounts Payable Deputy Supervisor Anna L. Voorhis was present. Auditor Robin D.

Lowder was absent.

Hancock County Board of Commissioner's meeting began at 8:02 a.m.

Attorney Ray Richardson arrived at 8:21 a.m.

### Highway Department

Hancock County Engineer Gary Pool appeared before the Board of Commissioners to discuss:

**Backhoe Loader Bids-** Engineer Pool recommended acceptance of backhoe bid received from Westside Tractor for \$73,000 (includes trade-ins) for John Deere 310 SL HL backhoe loader. Commissioner Huber made a motion to accept bid for backhoe loader from Westside Tractor for an amount not to exceed \$73,000, which includes trade-in of highway's used backhoe and generator. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Declaration of Surplus-** Engineer Pool requested approval for the highway's used backhoe and generator equipment to be declared as surplus. They will be used as trade-in for purchase of new backhoe loader. Commissioner Huber made a motion to declare highway used backhoe and generator equipment as surplus. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Snow Plow Bids** -Engineer Pool recommended acceptance of snow plow bids from: Anchor H20 and V Feeney Inc. Bids were made by mobilization and zones. Commissioner Huber made a motion to accept snow plow bid from Anchor H20 for Zone 4 (\$900), Zone 5 (\$2150), and Zone 6 (\$1350). Commissioner Jessup seconded the motion. Motion carried 3/0. Commissioner Huber made a motion to accept snow plow bid from V Feeney Inc for Zone 1 (\$5040), Zone 2 (\$2520), Zone 3 (\$500), and county parking lots-including salt (\$1260). Commissioner Jessup seconded the motion. Motion carried 3/0.

**Form 96-** Engineer Pool requested Commissioner's signatures on updated Form 96 for Community Crossing Grant. Commissioner Huber made a motion to sign updated Form 96 for Community Crossing Grant. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Annual Bids-** Engineer Pool reported annual bids have been advertised and will be let at next Commissioner's meeting on December 19<sup>th</sup>.

**Crack Seal and Seat Coat-** Bids to be advertised in December.

**Bridge 71 & 93-** bid packs to be advertised soon. Engineer Pool requested approval of quote from DLZ for inspection of Bridges 71 & 93. Commissioner Huber made a motion to accept quote from DLZ for inspection of Bridges 71 & 93 for an amount not to exceed \$105,700. Commissioner Jessup seconded the motion. Motion carried 3/0.

**DC Trip-** Engineer Pool reported that he would be traveling to Washington D.C. on December 13<sup>th</sup> to meet with D.O.T. Officials on highway matters.

**School District Signs-** Eastern Hancock Schools has requested Commissioners approval for signs that designate Eastern Hancock as an 'A' school to be placed at six different locations in county right-of-way. Pool was in favor of approval, citing signs would be placed per county specifications, including height and location for safety. Commissioner Huber made a motion to approve the placement of six Eastern Hancock School signs to be placed in six county right-of-way locations per Highway Engineer's recommendation. Commissioner Armstrong seconded the motion. Motion carried 3/0.

### **Building Maintenance**

Facility Building Manger Dean Mullins came before the Commissioners to discuss general building maintenance issues.

### **Maxwell Land Development, Rezoning-Mike Dale, Plan Director**

Mike Dale came before the Commissioners in the matter of Maxwell Land Development's request for rezoning approval of 76 acres from residential to agricultural in Maxwell. Dale reported of the Plan Commission's recent unfavorable recommendation. Attorney Michael Foley representing Maxwell Land Investments asked for a continuation to finish reports for special exception. Commissioner Armstrong responded that he should have had his act together and came prepared to proceed. Further, he said it was not fair to the people in attendance; some of whom took time off work to attend, for him to ask for a continuation. Commissioner Armstrong made a motion to proceed and denied the request for continuation. Commissioner Jessup seconded the motion. Motion carried 3/0. Commissioner Huber addressed those in attendance and offered appreciation for their input. He explained the purpose of the meeting was to decide on rezoning from residential to agricultural. He stated that he understood this was a heated issue with many questions to be answered. Attorney Foley then presented his request to Commissioners asking that they approve rezoning of 76 acres from residential to agricultural, stating the acreage in question has always been used as a field; not as residential and that rezoning will have no adverse effect on area properties.

**Public Discussion:** Commissioner Armstrong thanked those in attendance for coming and opened the floor to public discussion. Many residents from Twin Oaks subdivision were in attendance and spoke in opposition of rezoning as it related to a proposed gravel extraction operation to be located near their residences.

Speakers:

1. Fred Dunlevy- Mr. Dunlevy said he represented landowners as a Center Township Advisory Board Member. "We are opposed, vote no. Your comprehensive plan does not allow for this type of company, vote no." Any other vote would disregard what he said was a negative impact to landowners.
2. Larry Whitham -Mr. Whitham, an attorney representing landowners, spoke regarding resident's concerns over increased traffic, noise and dust. Further, he stated that permitting the rezoning would open the door for the BZA to consider permitting more heavy industrial use zoning.
3. Shon Pulley, not a current resident of the county, but a recent purchaser of property in 2016 spoke on behalf of himself and wife, Trudy who planned to build their new home and custom horse facility in Maxwell. He cited potential for road damage, traffic snarls and potential traffic hazards, "550 comes out at a narrow portion of 9 with no turn lane." He is concerned about the long-term damage caused by gravel pit plan.
4. Unidentified speaker- raised a point of the plan to request re-zoning from residential to agricultural and stated that sorting and hauling aggregate is not agricultural use of land in the first place.
5. Lori Maynard. Ms. Maynard addressed the Commissioners and said she purchased her dream home on St. Rd 9 in Maxwell in a nice, quiet area and that she was beginning to see the area become a nightmare. With recent operation of concrete plant near her home, she is already seeing increased traffic accidents, cars in her yard and the potential now for multiple businesses to come in that will be visible from her property. With health issues, she may need to move and she worries she will not be able to sell her home because of the plans for the gravel pit. She talked also about a company coming in and stripping the land and leaving with no regard to damage left behind.
6. Dave Martin, who owns a property east of proposed subject area on 600, raised water quality concerns and potential septic system issues he feared could occur with an operational gravel pit in his residential area.
7. Bob Matson stated that the road leading to proposed gravel pit location is not capable of supporting traffic on a ½ mile stretch of road which would cause accidents and road damage with tri-axles driving up and down the road. He ended his remarks with a reprimand that none of the Commissioners should benefit from proposed plan.
8. Troy Hoffman raised concerns of the chain of land ownership, alluding the new owners were actually the previous owners and that someone should investigate that, stating the previous owners left old extraction material on the property and that they are the same ones that "shafted us before."

9. Tom Hall, a certified residential appraiser, said that he believed permitting the rezoning which would allow a gravel pit to operate would affect the entire housing market around the area causing it to decline quickly. He said it could possibly shift from what is now– approximately 90-day listings, to 1-2 year listings. He also voiced concerns over traffic, noise, dirt and mud and impacts that could devastate the entire neighborhood.
10. Nick Grish said he built his forever home in Twin Oaks and would have not done so had he known of the plans for a gravel pit. He spoke about the impact to people. He asked, “Do we value people or attorneys and corporations?”
11. Unidentified speaker- moved to area 1 ½ years ago to live in country. Expressed displeasure over concrete plant noise in area that he is already affected by. What other impacts would a gravel pit cause? He asked the Commissioners, “Do you want to live behind it?”
12. Larry Gray who professed to live in the area longer than anyone else stated the road is not wide enough for two cars, let alone a dump truck. Mr. Gray expressed concern over traffic safety in the area and the effect of his property value as well.
13. Ben Graber concluded comments with explanation that these types of industries such as gravel pits are tolerated only in areas that people want to live in to claim a certain zip code and locality and be associated with certain amenities– such as in the Geist area. He surmised that where others might be willing to deal with these negative impacts, those who choose to live Hancock County for its rural appeal were not.

**Ordinance 2017-12A-** Commissioner Armstrong introduced ordinance number 2017-12A. Commissioner Armstrong moved to adopt Ordinance No. 2017-12A, which was seconded by Commissioner Huber.

Commissioner Armstrong stated that zoning issues were difficult, but it was this Board's intent to protect the overall community and look at the good versus disruption to homeowners. Commissioner Huber voiced agreement and thanked those in attendance for coming. Commissioner Jessup also addressed the crowd in response to a previous comment and strongly refuted suggestion that any of the Commissioners had anything to gain in this or any zoning decision. “Each of these men has the highest level of integrity and honesty and I take exception to the expression of otherwise,” he said. He further stated their collective goal is to protect the interest of the county. Consensus was that, R-1 residential use was appropriate zoning for property. Commissioner Armstrong thanked those in attendance and with no further comments, closed the public discussion to make a motion.

On the position for motion to pass Ordinance 2017-12A: Commissioner Armstrong voted no, Commissioner Huber voted no and Commissioner Jessup voted no. Motion was not passed.

#### **Locution (Fire Station Alerting) Contract-EOC Director, John Jokantas**

EOC Director, John Jokantas came before the Commissioners to request approval to enter into contract with *Locution*, a fire station alerting system company. Jokantas stated that prime alert technology use can reduce as much as 30 seconds off of a dispatch response time and can possibly eliminate need to hire future additional personnel. Commissioner Huber made a motion to approve entering into contract with Locution for an amount not to exceed \$142,777, which includes first year of maintenance; with annual maintenance not to exceed \$12,366 thereafter. Commissioner Jessup seconded the motion. Motion carried 3/0.

### **Power DMS/Panic Button Implementation**

EOC Director, John Jokantas reported he planned to proceed with implementation of previously approved Power DMS/Panic Button application. Jokantas will coordinate with elected officials, department heads and other personnel to begin this process.

### **Juvenile Detention Center Contract Renewal- Josh Sipes, Chief Probation Officer**

Chief Probation Officer, Josh Sipes, appeared before the Commissioners to request the contract with Delaware County be extended an additional two years with the same terms and for the same cost. Commissioner Huber made a motion to approve the agreement by and between Youth Opportunity Center, Inc. and the Commissioners of Hancock County for an additional two years at the same cost. Commissioner Jessup seconded the motion. Motion carried 3/0.

### **Hancock County Plan Department, Director Mike Dale**

**Ordinance 2017-12B: Zoning Ordinance Text Amendment: Fabrication & Manufacturing Facilities.** Plan Director, Mike Dale presented a Zoning Ordinance Text Amendment. Commissioner Armstrong made a motion to introduce and adopt Ordinance 2017-12B which allows for text amendment of fabrication and manufacturing facilities as permitted use, not special exceptions. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Refund of filing fees, Daniel Ott-** Due to extenuating circumstances, Mike Dale requested Commissioner's approval for refund of filing fees for special exception and variance to Daniel Ott for an amount not to exceed \$540. Commissioner Huber made a motion to refund filing fees to Daniel Ott as presented. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Town of Shirley: M.O.U. & Interlocal Agreement-** Mike Dale presented a revised and redrafted M.O.U. & Interlocal Agreement with the Town of Shirley to the Commissioner's for approval and signature. Commissioner Huber made a motion to approve and sign redrafted M.O.U. and Interlocal Agreement with the Town of Shirley. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Town of Fortville M.O.U. and Interlocal Agreement-**Mike Dale presented a revised and redrafted M.O.U. & Interlocal Agreement with the Town of Fortville to Commissioner's for approval and signature. Commissioner Huber made a motion to approve and sign a revised and redrafted M.O.U. and Interlocal Agreement with the Town of Fortville. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Zoning Map Amendment: Guardian RV Storage-** Mike Dale reported he received an email from petitioner in regard to Guardian RV Storage, stating they were not planning to attend this Commissioner's meeting and would be pursuing other locations after having received a unanimous, unfavorable recommendation from the Plan Commission. Commissioners agreed to leave the matter open for 90-days, deciding not to proceed without petitioner in attendance.

### **Claims and Payroll**

Commissioner Jessup made a motion to approve claims and payroll as presented. Commissioner Huber seconded the motion. Motion carried 3/0.

### **Commissioners' Minutes**

Commissioner Jessup made a motion to approve Commissioners' Minutes for November 7, 2017 and November 21, 2017 as presented. Commissioner Huber seconded the motion. Motion carried 3/0.

### **County Surplus Online Auction-Major Brad Burkhart**

Major Brad Burkhart came before the Commissioners to discuss *publicsurplus.com*, an online auction website to sell county surplus items. Maj. Burkhart explained that a lot of government agencies, including the State of Indiana, use that site. His plan for implementation would be to bring a list of items to the Commissioners to be declared as surplus and then list those items to website for online auction. The county would not be responsible for shipping items to winner bidders as pick-up would be the only option for delivery. Major Burkhart stated he had an employee who would assist in listing and sorting items for auction. County Attorney Ray Richardson stated he would research the legal advertising aspects of online auctions for county purposes.

### **Clark MS -35' ½ R.O.W Dedication- Phil Going, Accura Land Surveying**

Philip Going, Accura Land Surveying came before the Commissioners to dedicate 35' ½ R.O.W. for Clark Minor Sub (S3, T16N, R7E), located at 300E between 500 N & 600 N which was approved last month. Commissioner Jessup made a motion to accept dedication of 35' ½ R.O.W. Of Clark Minor Sub as presented. Commissioner Huber seconded the motion. Motion carried 3/0.

### **2018 RDC TIF Appointments**

Commissioner President Brad Armstrong read a letter from the Hancock County Economic Development Council asking for 2018 Redevelopment Commission TIF appointments. Commissioner Huber made a motion to re-appoint Dave Sutherlin, Steve Vail and Mary Zurbach to the 2018 RDC TIF and to reappoint Michael McCarty as non-voting advisory member. Commissioner Jessup seconded the motion. Motion carried 3/0.

### **2018 CIB Board Appointment**

Commissioner Armstrong made a motion to reappoint Brenda Meyers to the Hancock County CIB Board for a term beginning January 15, 2018, expiring on January 15, 2020. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Jail Bond Services Contracts**

Commissioner Huber made a motion to enter into contract with Financial Solutions Group for services provided regarding proposed jail bond for an amount not to exceed \$35,000 to be paid out of bond proceeds. Commissioner Jessup seconded the motion. Motion carried 3/0. Commissioner Huber made a motion to enter into contract with Ray Richardson, Attorney At Law, for jail bond counsel work for an amount not to exceed \$28,000 to be paid out of bond proceeds. Commissioner Jessup seconded the motion. Motion carried 3/0.

**Hancock County Exposition Complex Corporation**

George Langston, representing the Board of Commissioners on the Hancock County Exposition Complex Corporation, presented a report from the November 28, 2017 HCECC meeting. Overview of financials, election of board members, and legislative issues were discussed.

The Hancock County Board of Commissioners meeting adjourned at **11:45** a.m.

Hancock County Commissioners

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Commissioner Brad Armstrong, President

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Commissioner Marc Huber, Vice President

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Commissioner John Jessup

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

Robin D. Lowder  
Hancock County Auditor