

Boone County Board of Commissioners Minutes  
August 1, 2005

The Board of County Commissioners met in a regular business session at 9:00 a.m. in the Boone County Office Building, Connie Lamar Meeting Room, #105, Lebanon, Indiana 46052 on August 1, 2005. Those present were Commissioner Betty Lee Cooper, Commissioner Huck Lewis, Commissioner Charles Eaton, County Attorney O.A. Kincaid, and Jennifer Reagan as Administrative Assistant.

The meeting was called to order by Board President Betty Lee Cooper at 9:03 a.m.

**IN THE MATTER OF APPROVAL OF MINUTES**

Commissioner Eaton made a motion to approve the minutes from the July 18, 2005 Business Session minutes. Commissioner Cooper seconded. Motion carried 3-0. Commissioner Cooper made a motion to approve the minutes from the July 19, 2005 Joint Business Session with the County Council. Commissioner Eaton seconded. Motion carried 3-0.

**IN THE MATTER OF EMA GRANT PAPERWORK**

EMA Deputy Director Russ Dulin was present to discuss a new grant application for \$83,000. Mr. Dulin stated the funds will be used for training, equipment for the hostage negotiation team, and more. Commissioner Lewis made a motion to authorize EMA to apply for the grant. Commissioner Eaton seconded. Mr. Kincaid will review the paperwork prior to Commissioner Cooper signing the paperwork and returning it to Mr. Dulin. Motion carried 3-0.

**IN THE MATTER OF LEGAL ISSUES**

County Attorney O.A. Kincaid was present and had no legal issues to discuss.

**IN THE MATTER OF CONSIDERATION OF MISRACH/DAFFIN REZONING ORDINANCE**

Attorney Jeff Jacob was present on behalf of the petitioners and stated that due to on-going issues to be worked out with Whitestown, the petitioners are seeking to withdraw their request and to not have the Commissioners consider the item so there is no time constraint in applying for another rezoning. Mr. Jacob said by not considering the item and withdrawing it, the unfavorable APC recommendation would not take effect. There was discussion about the actual procedure and whether the withdrawal actually accomplishes avoiding the time requirements. Commissioner Cooper allowed comments from the public. Mr. L.J. Jernstadt came forward and commented that he wants the Commissioners to not consider the withdrawal, but to deny the petition, so that there is a guaranteed time period where the issues can be worked out. Ms. Jane Gauci stepped forward and echoed Mr. Jernstadt's comments. Commissioner Eaton asked about the voluntary annexation process and its status. Attorney Ty Conner of Bose McKinney and Evans was present representing the Town of Whitestown and responded that the voluntary annexation was applied for in June with a public hearing in July, but negotiations of zoning commitments in the annexation ordinance have not gone well, and he assumes the landowners will withdraw their request for voluntary annexation. But, Mr. Conner said, the Whitestown Town Council has decided to move forward with an involuntary annexation of the property and plans to introduce that ordinance at their upcoming public meeting. They are also working on a

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comprehensive plan for the town currently. Commissioner Eaton asked what Whitestown wanted the developer wasn't willing to grant. Mr. Conner replied that it was zoning commitments that regulated the sizes of the homes, anti-monotony standards, building standards, a homeowner's association with dues to cover common area maintenance. Mr. Conner commented that density was not as much of an issue with the Council as long as the development was laid out correctly. Mr. Jim Gamble, a Whitestown citizen, stepped forward and noted he's working with the Council on the comprehensive plan and it will be a good plan, because it looks at transportation issues first. Mr. Jacob stated they look forward to receiving Whitestown's plan, but he's not sure that it's pertinent to this petition or fair to punish this landowner because the plan isn't in place right now. Commissioner Cooper closed time for public comment and opened board discussion. Commissioner Cooper asked what is the time frame for the annexation. Mr. Conner replied that there are two annexations, the voluntary and the involuntary. The voluntary annexation is conditioned upon the commitments, which have not been finalized. The involuntary has not yet been started, but that typically takes upwards of six months. There was discussion about whether to accept a withdrawal of the petition or to deny the petition. Mr. Kincaid said it is within the Commissioners' discretion on what option to choose. Commissioner Lewis commented that he wasn't sure you could stop someone from withdrawing their petition for rezoning. Mr. Kincaid answered that the Commissioners do have the legal authority to prevent them from withdrawing the petition. APC Executive Director Steve Niblick was present and said for the petitioner to work through the APC from the beginning, which is what this development would have to do if withdrawn, takes around 60 days depending upon when they file. Mr. Niblick said state statute allows the Commissioners two choices on these issues; accept the ordinance or deny the ordinance. After further discussion, Commissioner Cooper made a motion to deny the proposed ordinance. Commissioner Eaton seconded. Motion carried 3-0.

At this time, Commissioner Cooper excused herself from the meeting to attend a family funeral.

### **IN THE MATTER OF STAFF REPORTS**

Courthouse Maintenance Supervisor Mike Miller was present to give his monthly report and stated they've been working on completing the light fixture replacement, finishing a table for Superior I courtroom, painting outside windows at Camp Street, and fixing cooling problems on the 3<sup>rd</sup> floor of the Courthouse. Jail Maintenance Supervisor Mike Vaughan was unable to attend the meeting to give a monthly report. IT Systems Manager Sean Horan was present to give his monthly report; see Appendix 1. Mr. Horan noted the open calls are down from last month. Mr. Horan addressed an issue with purchasing items for employees on worker's compensation issues. Commissioners agreed it is required to provide such needs, but those expenses should be borne by each office's budgets. Mr. Horan reported on the status of the on-going problems with the phone system and stated they have given us a software patch that is supposed to fix the echoing issues and he'll be applying this patch today. Mr. Horan then discussed other projects he's been working on including the statewide voter registration system and PC roll-out. Mr. Horan next brought up the county-wide copier RFP. Commissioners have previously reviewed the RFP and gave permission to Mr. Horan to have it published. APC Executive Director Steve Niblick was present to give his monthly report; See Appendix 2. Mr. Niblick discussed filings and income for his office. Mr. Niblick then presented bonds to be approved. First were performance bonds

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for Perry Industrial Park Section II for roads, storm sewers, erosion control, and in the amount of \$821,000. Commissioner Eaton made a motion to approve the performance bonds for Perry Industrial Park Section II. Commissioner Lewis seconded. Motion carried 2-0. Mr. Niblick then presented performance bonds from Duke for storm sewer and CR 650 East in the amount of \$392,000. Commissioner Eaton made a motion to approve those bonds. Commissioner Lewis seconded. Motion carried 2-0. Commissioner Eaton asked Mr. Niblick to review a binder of information given to the Commissioners regarding the proposed Countrytyme development that is on the agenda for next week. Mr. Niblick will review the information and report back to the Commissioners on whether it contains any additional information that was not presented to the APC. Health Department Environmental Division Director Sharon Adams was present to give her monthly report; See Appendix 3. Mrs. Adams discussed recent food vendor inspections performed, housing task force issues, Health Board presentations, and disaster response training her staff recently received. Highway Supervisor Tom Kouns was present to give his weekly report; See Appendix 4. Mr. Kouns presented utility agreements. Commissioner Eaton made a motion to approve the utility agreement for Excavating Plus to bore under Indianapolis Road for sewer hook-up at 7351 South Indianapolis Road. Commissioner Lewis seconded. Motion carried 2-0. Commissioner Eaton made a motion to approve the utility agreement for TDS Telecom to bore under CR 700 East south of CR 550 South for temporary service to the new school construction site. Commissioner Lewis seconded. Motion carried 2-0. It was noticed that the TDS agreement had an error in a road number. Mr. Kouns will clarify the correct road with TDS and bring the agreement back next week for Commissioners' signatures. Mr. Kouns next brought up a contract with USI Consultants for engineering services on the reconstruction of CR 300 South from the Hamilton County line to US 421. Commissioner Eaton commented that he did not vote to approve the selection of USI during the RFP and is not comfortable approving a contract because he's not sure it's the best price. Commissioner Lewis stated there was an estimate and USI came in well under the estimate. The item will be tabled until next week when all three Commissioners can be present for a vote. Sheriff Dennis Brannon was present to discuss renewing a contract for the safety equipment being stored at the jail for the state. Commissioners agreed to renew the contract and signed the document to return to Sheriff Brannon.

### **IN THE MATTER OF DOCUMENT SIGNING, CLAIMS**

Mrs. Reagan presented Payroll Claim Docket with PPE 07-19-05 and pay date 07-29-05. Commissioner Eaton made a motion to approve Payroll Claim Docket with pay date 07-29-05. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch II dated 07-13-05. Commissioner Eaton made a motion to approve Claims Docket Batch II dated 07-13-05. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch II dated 07-27-05. Commissioner Eaton made a motion to approve Claims Docket Batch II dated 07-27-05. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch II dated 07-20-05. Commissioner Eaton made a motion to approve Claims Docket Batch II dated 07-20-05. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1678 dated 07-18-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1678. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1656 dated 06-27-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1656. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1692 dated

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07-26-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1692. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1676 dated 07-15-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1676. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1684 dated 07-21-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1684. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1683 dated 07-20-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1683. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1677 dated 07-15-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1677. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1670 dated 07-06-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1670. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1666 dated 06-28-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1666. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1649 dated 06-18-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1649. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1662 dated 06-28-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1662. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1664 dated 06-28-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1664. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch Omitted Homestead and Refunds dated 06-17-05. Commissioner Eaton made a motion to approve Claims Docket Batch Omitted Homestead and Refunds dated 06-17-05. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch H S & Refunds dated 07-01-05. Commissioner Eaton made a motion to approve Claims Docket Batch H S & Refunds dated 07-01-05. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1675 dated 07-14-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1675. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1685 dated 07-27-05. Commissioner Eaton made a motion to approve Claims Docket Batch 1685 dated 07-27-05. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented Claims Docket Batch 1685 dated 07-25-05. After discussion, it was decided to review the claims further and hold them until next week for approval. Mrs. Reagan presented the Treasurer's Report for June 2005. Commissioner Lewis made a motion to approve the June 2005 Treasurer's Report. Commissioner Eaton seconded. Motion carried 2-0. Mrs. Reagan presented the Mapleview Report for July 2005. Commissioner Eaton made a motion to approve the July 2005 Mapleview Report. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented a key request from the Surveyor's Office for new employee Wade Cain. Commissioner Eaton made a motion to approve the request. Commissioner Lewis seconded. Motion carried 2-0. Mrs. Reagan presented a request from the Union Township Trustee Attorney David Arrensen for an appointment to a common wage board for a public works project they are conducting. After discussion, it was decided to hold this item to the next meeting until the Commissioners have a candidate to appoint.

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**IN THE MATTER OF MAIL**

See Appendix 5 for a list of mail opened by the Commissioners on this date.

With no further business, Commissioner Eaton made a motion to adjourn. Commissioner Lewis seconded. Motion carried 2-0.