

COMMISSIONERS' REGULAR MEETING – MONDAY, SEPTEMBER 23, 2024

The meeting was called to order by Chairman, Brian Baird at 10:00 a.m. Kevin Walls and Ron West were present.

INVOCATION

Mr. West gave the Invocation.

PLEDGE OF ALLEGIANCE

Mr. Baird led the Pledge of Allegiance.

**OPENING OF SEALED BIDS FOR JOHNSON COUNTY HIGHWAY DEPARTMENT
TEMPORARY SALT BARN PROJECT**

Adam Gadberry, County Attorney, opened and read the following bids received for the Johnson County Highway Department Temporary Salt Barn Project:

Boyle Construction Management, Inc. – Indianapolis, IN	\$637,000.00
Duke Commercial – Bargersville, IN	\$624,750.00
White Oak Commercial Group – Indianapolis, IN	\$604,627.00
WillPower Construction Management, LLC – Greenfield, IN	\$337,000.00

Mr. Walls made a motion to give the bids to himself and Wes Harrison, Project Manager, to review and give recommendations at their next Commissioners' meeting. Mr. West seconded the motion, which carried unanimously

**PROCLAMATION OF THE 237TH ANNIVERSARY OF CONSTITUTION
WEEK, SEPTEMBER 17, 2024 THRU SEPTEMBER 23, 2024**

Mr. Walls read allowed the Proclamation of the 237th Anniversary of Constitution Week, September 17, 2024 thru September 23, 2024.

Mr. Walls moved to approve the request as presented. Mr. West seconded the motion, which carried unanimously.

PUBLIC SAFETY MUTUAL AID UPDATE (see page 5)

ELECTED OFFICIALS AND DEPARTMENT HEADS

A. VASIA

1. Approval to Apply for the Indiana Supreme Court State VASIA Grant

Mr. Walls stated Lauren Rynerson, Director, would not be present. Mr. Baird stated this is an annual grant.

Mr. Walls moved to approve the request as presented. Mr. West seconded the motion, which carried unanimously.

B. CLERK

1. Approval of Wycom Maintenance License and Support Agreement Renewal

Trena McLaughlin, Clerk, was present to request approval of the Wycom Maintenance license and support agreement renewal.

Mr. Walls moved to approve the request as presented. Mr. West seconded the motion, which carried unanimously.

C. Highway

1. Approval and Execution of Change Orders 2 and 3 for Bridge 605

Daniel Johnston, Engineer, was present to request approval and execution of change orders 2 and 3 for Bridge 605. This is located on the west side of the intersection of State Road 135 and Fry Road. Change Order Number 2 was requested by INDOT to adjust one of the entrances into Sable Ridge subdivision. INDOT added tough guard barriers to restrict left turns out of the subdivision. There is no additional cost to the County and no added time to the contract. Change Order Number 3 is to revise some of the proposed loop detectors at the intersection of the new bridge. Preformed loop detectors will be placed in the bridge deck. There was a slight decrease in the overall contract price but no adjustment to the contract time.

Mr. West moved to approve both requests as presented. Mr. Walls seconded the motion, which carried unanimously.

2. Approval and Execution of Construction Inspection Contract for Bridge 98 Project

Mr. Johnston was present to request approval and execution of construction inspection contract for the Bridge 98 project on 700 E just north of Urmeville Road. EGIS BLN will be the consulting firm. The contract amount will be \$225,900.00. INDOT's approval has been received.

Mr. West moved to approve the request as presented. Mr. Walls seconded the motion, which carried unanimously.

3. Approval of 2024 Fit At The Farm Special Event Permit

Mr. Johnston was present to request approval of the 2024 Fit At The Farm special event. It is an annual event in Clark Township sponsored by Kelsey Farms and benefiting Clark Pleasant Education Foundation. All of the necessary documentation has been received and reviewed. Kelsey Farms has provided all of the checkpoint agency approvals and has received their certificate of insurance. Approval will be pending Kelsey Farms providing an indemnification and hold harmless agreement.

Mr. Walls moved to approve the request. Mr. Baird stated the approval was pending the receipt of the indemnification agreement. Mr. West seconded the motion, which carried unanimously.

Mr. Walls stated he would encourage everyone to attend some of the Fall activities. All the venues around Johnson County have some really good things to do.

4. Request Bid Date for 2024 Pavement Marking Project

Mr. Johnston was present to request a bid date for the 2024 pavement marking project. He requested the bid date of October 14, 2024. He stated this will be 100% locally funded project. The list of roads is currently being refined. The focus will be on the higher functional classification roads and road segments that have received citizens' complaints.

Mr. West stated he had spoken to the Highway Superintendent regarding striping and understood that if roads didn't have enough traffic volume, striping was not required. Mr. Johnston replied there is some leeway based on the functional classification, the traffic volume, and whether the road is too narrow. He explained if a yellow line is painted down the middle of a narrow road it might make the driver think they have to drive on a shorter side for their direction of travel. Mr. West stated he understood about the centerline, but he would think the white lines down either side of the road were more necessary for a safety concern on the narrow roads especially. Mr. Baird stated, in the past when there has been a complaint on a road there have been stripes put on it even when it isn't required. Mr. Walls asked if this project is expected to be done in 2024 or be pushed to 2025. Mr. Johnston responded the contractor would do as much as they can in 2024.

Mr. West moved to approve the request as presented. Mr. Walls seconded the motion, which carried unanimously.

D. Planning and Zoning

1. Approval of the Lease Continuance for the Flood Buyout Parcels:

- a. Parcel 41-04-05-014-008.000-038**
- b. Parcel 41-04-05-014-035.000-038**
- c. Parcel 41-04-05-013-015.000-038**
- d. Parcel 41-04-05-013-014.000-038**
- e. Parcel 41-04-05-013-004.000-038**
- f. Parcel 41-04-05-013-007.000-038**

Mr. Baird asked if all of the parcels could be discussed together. Mr. Gadberry responded yes.

Michele Hansard, Director, was present to request approval for the lease continuance for the flood buyout parcels. She explained these are continuing leases to four property owners with six parcels that were acquired during the flood buyout of 2008. The continuance of the lease would allow the former property owners to utilize the property for another 10 years. Mr. Walls asked if the construction of I69 had changed the flood map in any way that would give the County the ability to revisit the leases. Mrs. Hansard responded the flood maps have not changed and there has been no new flood study for this area. Mr. Walls asked if INDOT is responsible for setting the flood maps since the construction of I69. Mrs. Hansard replied she is not sure who is responsible for setting the flood maps.

Luke Mastin, Highway Superintendent, stated INDOT's improvements going under the interstate at Bluff Acres were looked at closely since that area always floods. The improvements were not significant in terms of what the cross structure was. There could certainly be a study of the area but it probably wouldn't

change the flood map. Mr. Baird asked if the leases could be approved as pending so that if there was a change to the flood map they could be terminated. Mr. Gadberry replied the leases carry a mutual agreement to terminate. If the flood maps do change this is something that could be revisited at that time. He asked Mrs. Hansard if some of these leases were technically expired. She responded yes and asked if they should be backdated. Mr. Gadberry stated they would be fine to be dated today.

Mr. West stated, just for the public's clarification, these 10-year leases are \$1.00 a year. By entering into a lease the leasees' maintain the property and have utilization of the property. Mr. Walls stated they are highly restricted, you can put a garden on the property, you can mow it; you can't build on it or do anything else with it. Mrs. Hansard stated it can't be sold either.

Mr. Walls moved to approve the request as presented, reluctantly. Mr. West seconded the motion, which carried unanimously.

2. Ordinance 2024-Z-2: An Ordinance of the Johnson County Board of Commissioners for the Adoption of a Unified Development Ordinance

Mrs. Hansard was present to request approval of Ordinance 2024-Z-2: an Ordinance of the Johnson County Board of Commissioners for the adoption of a Unified Development Ordinance. Mrs. Hansard stated this is a new Unified Development Ordinance that was certified to the Board of Commissioners from the Johnson County Planning Commission at the August 26, 2024, meeting.

Matthew Roake, Planning and Economic Development Group Leader with American Structure Point presented a power-point presentation with an overview of the ordinance. Mr. West asked for a brief explanation of the process required for commercial wind energy systems. Mr. Roark replied, it is treated as a special exception and would have to go through the formal public hearing process with the Planning Commission. Similar to special exceptions now, it would have to be completely vetted before anything could be done with the land. Mr. West asked if the recommendation then would come to the Commissioners. Mr. Roark replied yes. Mrs. Hansard replied no, only to the Board of Zoning Appeals. Mr. Baird stated it was his opinion that this is something that should be decided by the Commissioners not completely by the Board of Zoning Appeals. He stated other counties are putting moratoriums in place, maybe this is something that should be discussed. Mr. Roark stated there is no specific language regarding modification of wind energy in the ordinance. Mr. Baird stated he would like this to be reviewed further. It needs to be under local control if possible. Mr. Gadberry stated if you don't adopt the ordinance as presented today, it can be delayed to make changes. The ordinance will then be sent back to the Planning Commission for review. If the Planning Commission rejects the proposed changes it will take another vote to affirm this body's changes to impact the ordinance. Mr. Roark stated the ordinance can be approved today and any supplemental amendment can be prepared to address the changes at a later date.

Mr. West moved to approve the request as presented. Mr. Walls seconded the motion, which carried unanimously; amendments to be discussed in the future.

Mr. Gadberry replied for clarification is the ordinance being adopted as presented. Mr. Baird replied yes, as presented.

3. Ordinance 2024-Z-3: An Ordinance of the Johnson County Board of Commissioners for Flood Control Overlay District

Mrs. Hansard was present to request approval of Ordinance 2024-Z-3: An Ordinance of the Johnson County Board of Commissioners for Flood Control Overlay District as requested by the DNR.

Mr. West moved to approve the request as presented. Mr. Walls seconded the motion, which carried unanimously.

PUBLIC SAFETY MUTUAL AID UPDATE

Jeremy Pell, White River Township Fire Chief, was present to give an update on public safety mutual aid. Chief Pell stated the relationship of all public safety in Johnson County is the best he has seen in his 35-year career. One of the tools that make this possible involves 911 dispatch. It is a computer software program called Response Plans. This software makes it possible for closest appropriate responders to respond to an emergency. Mr. Baird replied this program also helps with law enforcement response as well. This enables a more unified response to make sure the citizens of Johnson County are taken care of in the best way possible.

E. Board of Commissioners

1. Johnson County Opioid Remediation Grant Program

Mr. West stated he would like to see this grant used primarily for prenatal and post-natal care. Mr. Walls replied the program is structurally set up and starting to operate. There has been one meeting and they are partnering with Riley Children's Hospital to address pre and post-natal care. Tiffany Costly, Assistant County Attorney, stated this a formal announcement for the Opioid Remediation Grant Program through Johnson County. The information will be published on the Johnson County Government website in addition to the Daily Journal. Applications for this grant are due to the Johnson County Commissioner's Office by 1:30 p.m. on October 31, 2024. It will take approximately 30 days for the Grant Advisory Board to review the applications and make recommendations to the Commissioners. Mrs. Costly advised, if possible, the first distributions would be made by December 16, 2024 or at least an announcement made by the end of the year depending on how many people apply for the grant.

2. Acceptance of Lowest Quote and Award of Contract Pursuant to IC 36-1-12-5 for Coating of Concrete on East Side of West Annex Project

Mr. West moved to approve the contract with HTH Contracting for \$9,325.00. Mr. Walls seconded the motion, which carried unanimously.

Mr. Walls asked if HTH Contracting was the company that did the Courthouse. Mr. Baird replied no.

3. Resolution 2024-R-16: Resolution of the Board of Commissioners of the County of Johnson, Indiana, Approving the Issuance of General Obligation Bonds of the County

Mr. West moved to approve Resolution 2024-R-16 as presented. Mr. Walls seconded the motion, which carried unanimously.

4. Employee Handbook Changes

Mr. West moved to approve the request as presented. Mr. Walls seconded the motion, which carried unanimously.

Mr. Gadberry stated there was a clerical error regarding part-time cap hours. It should be changed to 1560 for the hours total for part-time classification.

5. Discussion/Approval of Extension of Burn Ban in County

Mr. Gadberry stated the US drought monitor map at the time the initial ban was put in place only a small southeast part of the county was in a drought but the next day the entire county was in a drought. Stephanie Sichtung, Emergency Management Director, stated the National Weather Service is predicting maybe ½ inch of rain with a chance of more rain at the end of the week. Mr. Baird asked when the ban is scheduled to expire. Mr. Gadberry replied it is a 7-day ban set to expire on Wednesday. At this time, a 30-day ban is being proposed which can always be rescinded earlier depending on rainfall. Mr. Gadberry stated at this time the proposal allows campfires in the park if the fires are within a 23 by 10 ring. He stated he does not believe the Park Department is allowing any campfires on the grounds at this time. Mr. Gadberry asked if the campfires should be removed from the proposal. Mr. Baird responded yes.

Mr. Walls moved to continue the burn ban for 30 days, unless weather changes. Mr. West seconded the motion with the amendment regarding campfires; the motion carried unanimously.

NEW & OLD BUSINESS

Claims and Credit Card

Mr. West moved to approve the requests as presented. Mr. Walls seconded the motion, which carried unanimously.

Commissioners' Minutes:

- 1. 8/26/2024 – Regular Meeting**
- 2. 9/9/2024 – Regular Meeting**

Mr. West moved to approve the requests as presented. Mr. Walls seconded the motion, which carried unanimously.

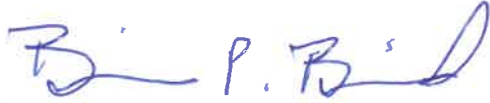
Public Comment – *(limited to 5 minutes per person, please)*

Mr. Walls requested that the community say a prayer for Chief Funkhouser (Bargersville Fire) as he has some major health issues. Mr. Baird replied that we are blessed in Johnson County to have the leadership in public service that there is in Johnson County.

ADJOURNMENT

There being no further business, Mr. West moved to adjourn. Mr. Walls seconded the motion, which carried unanimously.

REGULAR COMMISSIONERS' MEETING – MONDAY, SEPTEMBER 23, 2024



Brian Baird



Kevin Walls



Ron West

**Attest:
Elizabeth A. Alvey
Auditor**

