

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
NOVEMBER 14, 2016
Commissioners Courtroom
Hamilton County Government and Judicial Center
One Hamilton County Square
Noblesville, Indiana

The Commissioners met in Executive Session in Conference Room 1A at 1:00 p.m. President Dillinger called the Public Session to order at 1:55 p.m. declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Mark Heirbrandt. Dillinger led the Pledge of Allegiance.

EXECUTIVE SESSION MEMORANDA

Approval of Executive Session Memoranda

Heirbrandt moved to approve the Executive Session Memoranda of November 14, 2016. Altman seconded. Motion carried unanimously.

MINUTES

Approval of Minutes

Heirbrandt moved to approve the minutes of October 24, 2016 and October 31, 2016. Altman seconded. Altman stated the highway professional services agreements are a not to exceed dollar amount, not a guaranteed dollar amount and asked that language be amended and used in the future. Motion carried unanimously.

BID OPENING

Small Structure #33048, Lacy Road/J.C. Webb Ditch

Mr. Michael Howard opened the bids for Small Structure #33048, Lacy Road/J.C. Webb Ditch in White River Township. All bids included Form 96, Non-collusion Affidavit, Bid Bond, Financial Statement and Acknowledgement of Addendum unless otherwise noted.

- Duncan Robertson \$559,145.05
- HIS Constructors \$517,069.43
- Hoosier Pride Excavating \$480,211.32
- Morphe Construction \$485,571.00
- R.A. Myers Construction \$608,127.50
- Trisler Construction \$648,522.77
- 3D Company \$684,672.53

Altman moved to refer the bids to highway staff for review and recommendation later in the meeting. Heirbrandt seconded. Motion carried unanimously.

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Bid Award:

Heirbrandt moved to award the bid for Small Structure #33048 to Hoosier Pride Excavating in the amount of \$480,211.32 as the lowest responsive bidder. Altman seconded. Motion carried unanimously.

REQUEST FOR PROPOSALS

Extended Cab Four Wheel Drive Pick-up Trucks

No Request for Proposals (RFP) were received for the extended cab four wheel drive pick-up trucks.

VARIANCE REQUEST

Cumberland Farms Industrial Park Variance Request

Mr. Michael DeBoy requested a variance for the proposed additional right-of-way dedication along State Road (SR) 19 for Cumberland Farms Industrial Park for Fluid Waste. Project location is on the east side of SR 19 between 206th Street and 216th Street south of Spring Valley Storage. Because this is not an annexed area the review is being handled by county agencies. Permits were received from the Indiana Department of Transportation (INDOT) and during secondary platting the Hamilton County Thoroughfare Plan requires a 70 foot half right-of-way, not the existing INDOT 40 foot half right-of-way. DeBoy requested a variance from the proposed 70 feet to the existing 40 feet half right-of-way. At this time they are proposing no improvements in this area, this is for the platting process. They are not requesting a reduction of the existing 40 foot right-of-way, they are not proposing anything in the additional 30 feet at this time. Altman is concerned with the statement at this time. Howard asked if there would be a problem with showing a setback line which would be bi-terminus with what would be the subsequent 70 foot right-of-way line? DeBoy replied no, but that is what is shown on the plat. Altman asked if we need a variance if it is already a setback? Howard said the thoroughfare plan states 75 feet dedicated and INDOT has given him a permit with no additional dedication, it's a State road so the Commissioners are helping INDOT. Davis confirmed the county's thoroughfare plan is 75 foot half right-of-way. Altman moved to approve the request subject to a setback line for building improvements at 75 feet but waiving the requirement of dedication at this time. Heirbrandt seconded. Motion carried unanimously.

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PLAT APPROVAL

Cumberland Farms Industrial Park

Mr. Dave Lucas recommended approval of the plat for Cumberland Farms Industrial Park Block A, Lot 1 showing a 60 foot building setback line behind the existing 40 foot right-of-way which puts the setback line 100 feet beyond the center line. Heirbrandt so moved. Altman seconded. Motion carried unanimously.

146th STREET ACCESS CHANGE

146th Street and Ditch Road Request to Change Access – Harmony Development

Mr. Joel Thurman reported the property at 146th Street and Ditch Road is an existing limited access cut that has been built as part of 146th Street Phase I. Howard reported the Commissioners have approved right-in and right-out on this property as part of Phase I, since then the developer has changed with the request being to change locations of the right-in, right-out; not to increase them, not to decrease acceleration or deceleration lanes. Altman confirmed these are already built? Thurman replied yes they are. Altman asked whatever we allow will be considered a disruption to traffic. Thurman replied it would be minor, this area is where the transition is for the next phase and it is wider. They can do their work and veer off one lane and not affect traffic too much. Howard said there will be restriction of traffic 50 feet down the street next year. Altman stated the Commissioners concern would be that if this is built it would not disrupt traffic because that is significant on this road.

Mr. Andy Taylor, American Structurepoint, stated the maintenance traffic plans show the barrels along existing auxiliary lanes. The accel and deceleration lanes are already in place with the entrance being relocated 180 feet to the west so they will be utilizing a lot of the existing pavement for the construction and then will be widening the road for the deceleration lane and construct the entrance. They conform with the Farmer agreement which is in place and allows for the right-in, right-out to be no closer than 450 feet to the roundabout. They have been working with the highway engineer to locate that entrance accordingly. Heirbrandt so moved. Altman seconded but hopes this message was received by the highway staff, if we put something in and everyone knew to plan to the existing covenant to come back and disrupt things is not a service to the traveling public or our taxpayers. Thurman replied this is not the highway staff's recommendation. Altman understands but it should be hands off and they come directly to the Commissioners with the highway staff recommendation. Maybe that happened but we need to make sure we are discouraging that kind of activity because it really irritates her that every time she travels 146th Street that there is construction going on and people are taking out lanes. Thurman said highway staff would not recommend this change. They have been working with Structurepoint from the beginning, they have spent several months and man hours working with the previous owner and decided

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where this entrance would be located. Now this is many months old and the improvements are built and now because of different developer or tenant has come in. We will continue to hear this as developers and tenants come in, there are areas of change that they want and will work. The biggest concern is the precedent that it sets, we figured out where we wanted the entrance and described the right-of-way as such as everything else is limited access and we built it and we are here today changing it. It is moving east and will not be detrimental to the traffic. We are now talking with the next property owner down the road and their view has changed to not building the entrances because if we build them they most likely will change when the actual development comes in. Howard asked if they have reviewed the maintenance of traffic plan? Thurman is not concerned about the maintenance of traffic, there is a wide enough swath in that area and it does butt right up to where Phase II starts so there will be coordination that has to happen. Altman asked if this should have been a discussion topic at a highway meeting or at least have some recommendation in writing given to the Commissioners before it comes to a meeting? Heirbrandt assumed the highway staff supported this because he did not see anything stating they were against it. Thurman thinks it would probably be better to discuss this at a Friday highway meeting.

Dillinger asked Taylor why they cannot use what is there? Taylor replied the location of the proposed access provides a better location for the user. When the actual cut was provided T.M. Crowley was not involved at that time. Altman asked how long has the improvement been there? Thurman stated they had the final INDOT walk thru last week and they have not been approved to date. The cuts were constructed last year.

Dillinger confirmed that T.M. Crowley has taken over this development? Mr. Rob Antrum with T.M. Crowley stated when they became involved the cut had been approved with Farmer. Their initial meeting was with Commissioner Heirbrandt and highway staff in January on redesigning the cut. One of the users is CVS Pharmacy on the northwest corner of Ditch Road and 146th Street. They had proposed changing it from one (1) cut to two (2) cuts which was not supported. A revised design was presented with the access points shifted 180 feet east of what is currently in place. Part of that is because of the multi-family apartments planned at that location and there was a concern with traffic headlights going straight into the units. It was felt it was a better design to place the cut between the commercial and multi-family units. Originally it was more about the residential area to be developed to the north and they were waiting to bring someone in to help with the commercial development. Howard added that the Farmer agreement was approved in 2012 and there was no proposed idea of what was going to be on that corner.

Heirbrandt's recollection of the meeting in January was that the biggest disagreement was the footage between the roundabout and where the entrance was going to be and then it was agreed it would be moved or some type of entrance installed. He walked away from the meeting thinking that we made

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progress and everybody was on board and it met all of the requirements. Altman suggested when we have requests such as this it goes on the agenda for a Friday highway meeting so we don't have these issues.

Dillinger asked Thurman what was his understanding of this meeting? Thurman replied the right-of-way is platted and it is stated where limited access starts and stops. They met with them and they wanted additional right-in, right-out cut and once that was denied they said they wanted to move it closer and see what they could do. Our stance never changed, our recommendation is to stay where it is at when the developer comes in and says it will not work for their clients. Everything else we gave them as far as what is required, how close you can get, lengths of deceleration and acceleration lanes was shared with them and all of it has worked out. They are closer to the east which can be more problematic but they are within the range that we gave them. The existing drive has some deceleration and acceleration tapers to their benefit they are leaving some of that in which they could take it out which would provide a longer lane. Heirbrandt thought that was the whole purpose of that meeting was to promote safety and he thought that was accomplished at this meeting. Thurman replied in regards to the safety there was a 450 foot dimension that we did not want them to be any closer than that and they have not.

Howard has some consternation on the plat showing limited access and shows a right-in and right-out, we are changing that, if the Board approves this request for future developers he does not want them to say they have a vested right to go back to the previous spot and requested the plat be amended. Altman asked if that should be amended before we do anything? Howard would not have a problem with that. Antrum replied they are re-working the plats, they wanted to get the Commissioners decision before finalizing the plat agreements. Their understanding from the meeting was everyone was on board with the design, the original cut was 200-230 feet from the roundabout and they revised it to push it further away.

Dillinger said we have had so much debate, controversy, change, arguments about ingress and egress on this stretch of road since we started. Dillinger has taken a pretty hard stance since we made the final decision. What bothers him is there were different understandings between the participants. Altman thinks discussions on 146th Street should be handled at a Friday highway meeting so it can be fully vetted. Dillinger agreed and said that can be from this day forward but we need to discuss this first. Heirbrandt asked when was the last time Antrum discussed this with highway staff? Lucas replied he has been in contact with Gene Bierman of American Structurepoint on a regular basis to make sure all the county standards are met, his job was to make sure it was on plan the way it needed to be and in no way shape or form approve it which is up to the Board. The existing deceleration lane is to the west of the proposed entrance and they are utilizing it as an acceleration lane so it is not removed. Some curb will

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be removed along with some additional pavement installed. It is on paper the way the highway staff needs to see it to make it work.

Dillinger asked Antrum if they have been moving forward assuming they had permission to do this? Antrum replied they have, they have the detailed development plan for the pharmacy approved at the city level which was based on the discussions from the January meeting. A big portion of that meeting was trying to get the city and the county to work together and they came away from that meeting thinking the new design would be supported.

Howard stated not from an engineering standpoint but working on the resolutions of the issues to the west he has been in contact with them in regards to schedules because the road through their project is part of the access to the parcels between them and Pelosi and their schedule is to have that road completed mid-summer of 2017 which helps the settlement issues.

Altman withdrew her second and requested Heirbrandt withdraw his motion so we can get it correct with respect to the plat for consideration. Heirbrandt withdrew his motion.

Altman moved to approve their request subject to the plat being amended to reflect a single access point where it is re-designated. Heirbrandt seconded. Commissioners agreed that we need to clean up our own operations. Mr. Brad Davis stated he remembers we denied the double request and we gave them the parameters that we worked with originally with Farmer on where right-in and right-out should go and he does not know that we committed one way or another because it would not have been our decision to make. Dillinger replied he is sure you did not and does not want them to take all the blame because it is not all of their fault. There was some misunderstanding which was unfortunate, he has made a pretty strong stance on not changing these because we have changed them so many times. This is a unique situation and he will support it but anything that is done from this point forward cannot be considered unless it is discussed at a Friday highway meeting with all Commissioners present. Altman and Heirbrandt agreed. Motion carried unanimously.

HIGHWAY BUSINESS

Road Cut Permits

Thurman requested approval of Open Road Cut Permit, RDCUT 2016-006 United Infrastructure LLC at 100 feet south of Solace Lane on Marwood Trail East Drive for sanitary sewer connection for a new home. Altman so moved. Heirbrandt seconded. Motion carried unanimously.

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Release of Bonds/Letters of Credit – Highway Department

Thurman requested the release of Bonds and Letters of Credit. Altman so moved. Heirbrandt seconded. Motion carried unanimously.

1. HCHD #B-09-0021 – West Bend Mutual Insurance Company Bond No. 812087 issued on behalf of Burtner Electric in the sum of \$5,000 for electrical work to expire July 16, 2010.
2. HCHD #B-09-0033 – Merchants Bonding Company Bond No. IN 21567 issued on behalf of Beck’s Superior Hybrids in the sum of \$5,000 for right of way permit to expire October 10, 2010.
3. HCHD #B-12-0005 – Merchants Bonding Company Bond No. IN 25430 issued on behalf of Wurster Construction in the sum of \$5,000 for right of way work for the Medical Spa at Geist to expire April 5, 2013.
4. HCHD #B-11-0001 – Liberty Mutual Bond No. 354-026-419 issued on behalf of Duncan Robertson Inc., in the sum of \$25,000 for Small Structure No. 32072 to expire July 26, 2012.
5. HCHD #B-12-0001 – Travelers Casualty and Surety Company Bond No. 105732231 issued on behalf of Shambaugh & Son, LLP in the sum of \$5,000 for electrical contractor to expire March 8, 2014.

Concurrence with Traffic Study Correspondence

Thurman requested approval of the list of correspondence concerning investigations on Hamilton County roads dated November 14, 2016. Altman asked to hold on the response to Mr. Good until we are supplied with the agreement that is purported to guarantee access and asked Thurman to forward that agreement to the Commissioners once it is received. Altman moved to approve the balance of the correspondence. Heirbrandt seconded. Motion carried unanimously.

1. Kristopher Good concerning Cool Creek Village Access Management in Washington Township. Highway staff recommends no changes be made due to an agreement that is in place guaranteeing Cool Creek Villages has two (2) full access entrances on 146th Street.
2. Jeff Frost concerning speed bumps on Mill Farm Road in Noblesville Township. Highway staff recommended no changes to Mill Farm Road at this time due to a speed survey showing a very small percentage of drivers traveling excessively fast.
3. Victor Gallivan concerning protected left turn phase on 146th Street and Cherry Tree Road in Noblesville Township. Highway staff recommended no changes at this time as it is not warranted.

Small Structure No. 33065 Request to Advertise

Thurman requested permission to advertise and sign the Title Sheet for replacement of Small Structure No. 33065, Deer Walk Drive/J.C. Web Ditch. Altman so moved. Heirbrandt seconded. Motion carried unanimously.

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Partial Mortgage Release Waivers

Thurman requested approval of Partial Mortgage Release Waivers for Parcel 14, Christopher A. Thompson and Parcel 16, Douglas and Penny Happel for the 276th Street project. Altman moved to approve. Heirbrandt seconded. Motion carried unanimously.

Condemnation Request for 276th Street Project

Thurman requested approval to proceed with condemnation of Parcel 09, Duval Bond and Harris, Parcel 17, Kevin L. Happel, and Parcel 34, Heirs of Nathaniel Rice for Phase 1 of 276th Street – Gwinn Road to US 31 in Jackson Township. Heirbrandt moved to approve. Altman seconded. Motion carried unanimously.

Highway Meeting

Mr. Brad Davis recommended canceling the November 18, 2016 highway meeting as he has nothing to present. Altman moved to cancel the Friday scheduled meeting for highway. Heirbrandt seconded. Motion carried unanimously.

Howard asked to schedule a highway meeting in December including Executive Session for discussion of litigation. Commissioners scheduled an Executive Session at 8:00 a.m. on Thursday, December 15, 2016 followed by a public meeting to be held at the highway department.

HAMILTON COUNTY FAIRGROUNDS

2017 4-H Rental Rates

Mr. David Brost, Chairperson of the Hamilton County Fairgrounds Buildings & Grounds Committee, presented the 2016 Annual Report and the proposed 2017 Rental Rates. Heirbrandt moved to accept. Altman seconded. Ms. Lisa Hanni informed the Board they are compiling a list of boat rental vendors to contact in the spring and she is contacting other fairgrounds to see what their rates are.

Altman asked Hanni what they are doing to address some of the renters' facility condition comments? Brost replied they are working with Steve Wood and is aware of the concerns. Hanni added there is a cost to install the new vents and that is why the stovetop has been disconnected. They are working with Mike Carter on the Wi-Fi in the Llama Barn. They are also working on the electrical issues. Motion carried unanimously.

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PLAN COMMISSION

Ordinance 11-14-16-A, Zoning Ordinance Amendment on Article 19 Filing Fees

Mr. Chuck Kiphart presented Ordinance 11-04-16-A, An Ordinance to Amend the Hamilton County Zoning Ordinance Concerning the Filing Fees to be Collected by the Plan Commission. The amendments received unanimous approval from the Hamilton County Plan Commission, public notices were published in both newspapers as required and they have received no negative comments. Examples of some of the amendments include for a single family building permit for 2,500 square feet which includes all covered space with the fee going from \$350 to \$500, the cost for six (6) inspections is \$450 so the extra \$50 would cover his review of the permit, site plans, etc. That would be the same for an addition to the residence as they do the same number of inspections as a single family residence. We are still below all the other jurisdictions. These increases were requested by the County Council and Commissioners to schedule one extra day for the building inspector whom is paid through contract. He charges \$75 per inspection so these increases would cover those costs. This is needed to cover current costs and provide better service to the builder by providing more flexibility in scheduling inspections. Ultimately it will save the homeowner and the builder a lot of money to be able to schedule those inspections. Altman moved to approve. Heirbrandt seconded. Motion carried unanimously. Kiphart added these fees will be effective January 1, 2017.

HAMILTON COUNTY EXPRESS

Hamilton County Express 3rd Quarter Report

Ms. Christine Campoll, Janus Director of Transportation, requested approval and signature on the Indiana Department of Transportation (INDOT) 3rd Quarter Report for Hamilton County Express. Heirbrandt moved to approve. Altman seconded. Motion carried unanimously.

MOBILE VENDORS

Retail Permit for Mobile Vendors

Mr. Travis Long, owner of Wild Board BBQ food truck. Long has had a Hamilton County Mobile Permit for the last two out of three years, this year Hamilton County is making temporary and mobile food permit vendors purchase a retail permit to operate in a commissary in Hamilton County as well as the mobile permit to operate his food truck. This is the first time he has come across this in any of the counties he has looked in to. The application references the county ordinance that gives them permission to charge for two permits but nowhere in that ordinance does it say anything in line of what they are doing. The county ordinance also refers to Indiana Code and it does not require that either. He does not know how they get permission to charge fees but feels the fee requiring him to purchase a retail permit

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for his commissary does not make any sense. Everywhere else a commissary agreement is signed and the commissary signs a form stating they have permission to use their kitchen.

Mr. Barry McNulty, Director of the Hamilton County Health Department, stated on the mobile food vendors they license the food trucks but if their commissary is in Hamilton County they license the commissary. There are commercial kitchens that lease their space and they will meet the food operator at the commissary for an inspection. Sometimes it is Carmel Kitchen, sometimes they will lease kitchen time in a church or other facility. They look at that person's operation at that facility. If it is co-operated they don't let the temporary person use that person's license. If there is a problem with the operation is it the first person that licensed it or the person who rented the space. If the commissary is out of the county they do not require the retail permit because it is licensed in another county, we only require that the facility is inspected. Heirbrandt asked if this is standard in any other county? Mr. Jason LeMaster replied it is pretty common. Most of the county health departments communicate with each other because of the mobile food trucks which don't have jurisdictional basis. We make sure the facilities are permitted or licensed in other counties. Marion County does a commissary agreement so they don't have fees yet charged to it but they are reviewing it because they are realizing what the food truck boom has done to them as well. They have commissary agreement and they inspect that facility with that business. One of our focuses is food safety and that is why we require the permitting. Operations will do a lot of prep and storage in that facility and then retail outside of that facility which might require additional prep, there are lots of elements that we have to inspect for to make sure the food stays safe as well as who is responsible for something. They do obtain inspections from other counties so if they have a temporary vendor from another county they either get the permit or that county's inspection report. Several years ago this topic was discussed between counties realizing this issue was coming but how we make sure we manage facilities moving in and out of our county that may not be based in our county that we know the food source there is produced safely. This is one of the requirements. One of the comments was we don't permit in our county, we can request an inspection be done. We can do an inspection for a county making the request.

Heirbrandt asked how the fee was established for the retail permit and mobile permit? Long's letter states this amount is twice what he has found in other counties. McNulty replied the mobile permits are \$100 then the minimum charge for the food service is \$200 and then there is a \$100 plan review fee. The plan review is a one-time fee, the annual fee would be \$200 for retail and \$100 for the mobile truck. Altman asked what does it cost for a restaurant? McNulty replied it is based upon number of employees, 1-9 is \$200, 10-20 is \$300; this is all in ordinance form in the fee schedule. Mobile operations have to use a licensed commissary. Heirbrandt asked how many food trucks have permits in Hamilton County? LeMaster replied about 75, not all are based in Hamilton County but they have all obtained permits.

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McNulty said permitting gives them the authority to do their inspections and enforce local ordinances. Altman replied it is \$400 when first starting then \$300 annually? McNulty replied correct.

Howard said as he understands Long's memo the commissary he uses is already permitted but that is a permit for that entire building that premises, so you have the right to go in, inspect that building, inspect the kitchen under that existing permit. McNulty added for the VFW. Howard asked if there is a violation on site who is liable? McNulty replied that is the health department's concern. Howard asked if this is a premises permit so if Long violates the rules on the VFW property the VFW is going to be responsible for cleaning it up because it is their premise? LeMaster replied yes but they would probably say if he had temperature violations for his beef products stored in their refrigerator they are going to say it is not theirs. Howard replied it is their problem because it is on their premises. McNulty said if it is mechanical or structural yes, if it is food safety then it is not. If we go in where he is storing his food if he is storing raw chicken over salad and we say that is a violation, if he is not permitted there then whose violation is it? Is it the VFW violation? Howard said essentially it is an increased intensity of use, just like you step it up for different sizes of employees of restaurants, it is a different intensity. Altman added plus it is the operator, if she would rent that kitchen and let the chicken sit there for an hour longer than it should be its not the VFW's problem, it is my problem. McNulty added this is getting to be a very common method of business where the commercial kitchens are not a storefront for a kitchen, they just lease their kitchen space. There are a number of them where you would lease hours in that kitchen and you are responsible for your food production in that facility at that time. Howard said unfortunately the health department referees the fights. McNulty stated we try to base our fees upon what we feel our costs are, we are not making money on it, we feel we need to permit the place which enables us to do our inspections and enforce local ordinances.

Dillinger asked Long if this explained it? Long replied not exactly, he can't remember when he purchased his permit for the VFW which is what he is using in Carmel, probably May or early June. The inspection he received was testing the water to make sure it got hot, checking the temperatures of the refrigerators which is something they did a couple of months prior for the VFW and he has not seen anybody out there since to check his operations and he does not feel that is worth his \$300. Long has checked with multiple counties and Hamilton County is the only one that is charging for a retail permit that he can find. He would like someone to show him in the Ordinance to show him what they are doing is correct. Altman asked Long if he has met with the health department? Long replied just on the phone. Altman suggested he meet with them, this is not the place to have people go through an Ordinance with you. Long did question on the phone where to look for the answers he was trying to get and he was pointed in this direction. Altman suggested Long, McNulty and LeMaster meet elsewhere so we can continue to conduct business, they can come back into the meeting once it is resolved. Howard added if there is an ambiguity we need to get that cleaned up.

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[3:17:38] Long and McNulty returned to the meeting with no conclusion, they have agreed to disagree on the interpretation. McNulty's believes we need to license commissaries and Mr. Long believes that is wrong. Altman asked if it is a question of clarification of the ordinance? Long replied yes, they point to a sentence that seems to them the ability to charge for both retail and mobile permits and he does not see that. McNulty quoted the section in the Fee Ordinance under Mobile Food Establishments there is a clarification stating "food stored, prepared prior to retail service must be from an approved food source that is separately permitted and inspected." McNulty believes that tells him he can license commissaries. Long said every other county he has contacted believes that means it needs to be an inspected and licensed facility, thus your general commissary agreement where you get a form giving permission to use an already licensed kitchen to operate your business out of. Altman stated what you are missing is the fact that at another facility whoever is using it will be inspected on their food processes and that is what that extra permitting is. Altman does not feel that is unreasonable. Dillinger and Heirbrandt agreed. Long asked all of this references all the Indiana codes, if they are referencing a code from Indiana, does that not play into the meaning of the ordinance? You can call and talk to the people who administer the Indiana Administrative Codes and they don't believe that is what that is intended to mean. Altman replied we will ask our county attorney to look at that to make sure the language is clear as expressed by the health department. Dillinger confirmed we will do that.

COMMISSIONER COMMITTEE REPORTS

Legacy Foundation

Heirbrandt reported he and Altman attended the Legacy Foundation event and were informed that Terry Anker is stepping down as Executive Director; Heirbrandt thanked Anker for the wonderful job and we will miss him.

Election

Heirbrandt noted this election was one of the busiest we have ever had in the county and statewide, he commended Kathy Richardson, Tammy Baitz and their staff for everything they had to go through along with maintenance and security, everybody involved to make it happen was a huge effort and they went out of their way to provide this service. He appreciated everything they did.

Altman congratulated Dillinger and Heirbrandt on their victories on the election and the other elected officials. Altman also thanked our partners, Fishers and Carmel that allowed remote voting in their locations. The voting public and people running the polls appreciated it.

Dillinger noted it was a challenge and he has spoken with Richardson, she is going to meet with the Commissioners to discuss some things that could be done better.

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White River Connectivity

Altman attended a White River Connectivity input meeting, it was a very interesting meeting. Brenda Meyers convened the meeting with almost every entity that had an interest or location on the river (public and private) represented. Meyers is starting to energize everyone to think about the river being such a huge asset in the county and how we can maximize it, not only for residents but as a destination for visitors.

Koteewi Park

Altman stated the bridge dedication at Koteewi was phenomenal and encouraged everyone to walk across the conjoined bridges, it is unique and very pretty.

UASI Funding

Altman reported Emergency Management Agency (EMA) is looking at Washington D.C. to reestablish the Urban Area Security Initiative (UASI) funding with respect to a lot of the risks we have. They have spoken with Senator Donnelly's office by phone and they have ideas on how we might move forward.

Economic Development

Altman recommended reviewing how we maintain a countywide economic development push, especially with the Indy Partnership coming back in in regards to melding in but keeping our identity to recognize the region.

ATTORNEY

Ordinance 09-26-16-A Concerning Floodplain Management

Howard presented Ordinance 09-26-16-A, An Ordinance Amending Sections of the Hamilton County Code Concerning Floodplain Management as recommended by the Hamilton County Drainage Board. Altman moved to suspend the rules to consider this on first reading. Heirbrandt seconded. Motion carried unanimously. Heirbrandt moved to approve Ordinance 09-26-16-A. Altman seconded. Motion carried unanimously.

Liability Trust Claim

Howard requested approval of a claim payable from the Liability Trust for litigation expenses in the amount of \$13,648. Heirbrandt so moved. Altman seconded. Motion carried unanimously.

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DIRECTOR OF ADMINISTRATION

Social Media Platforms Archival

Chris Mertens, Information Systems Services Department (ISSD) Director, has been in discussions with the County Attorney regarding archiving the official county's social media websites, Facebook and Twitter, and he thinks we should. The ISS Board did approve the request with Mertens receiving a quote of \$5,000 annually. Mertens would like approval to move forward and guidance on the duration on how long we want to keep the archived material. Mertens stated currently we archive e-mails for five (5) years so to be consistent recommended five (5) years. The use of social media by the county has increased greatly since Andrea Davis has taken over the postings, the parks department has used social media effectively for some time as well as the Sheriff's office. Heirbrandt asked if these records are being kept for liability purposes? Altman commented these are public records. Mertens added if a conversation starts we want those records if needed. Mertens does not think there is a specific requirement on how long these records are kept but some people have been sued because they have removed comments and could not reproduce them. There is no way we can stop the conversational aspect so if we post something on Facebook we cannot turn off the comments, we can force them to be friends of our page but that is it. Heirbrandt asked even if somebody is abusing it? Mertens replied we have a disclaimer for the social media sites that allows us to delete abusive and vulgar language. The archive will capture that but we don't have to make it public. Heirbrandt so moved. Altman seconded. Motion carried unanimously.

Mertens thanked his staff for their work during the elections, they rotated to the remote centers to support the voting.

Veteran Donations

Ms. Lynn Epperson requested permission to place several large empty donation boxes wrapped as Christmas presents under the lobby Christmas tree for anyone who would like to donate items such as coats, hats, gloves, personal hygiene items, new and unopened t-shirts, underwear, bras, socks and blankets for the homeless and struggling veterans and families in our community. Food is being provided by the food pantries and township trustees. Altman moved to approve. Heirbrandt seconded. Motion carried unanimously.

Video Camera Upgrade Project

Mr. Dan Stevens reported the Video Camera Upgrade Project Team met on November 10th to review and evaluate the responses to the Request for Proposals (RFP). Two (2) of the three (3) vendors will be asked to participate in a demonstration scheduled for November 16th.

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Downtown Noblesville Christmas

Stevens distributed the summary of events scheduled for downtown Noblesville. Buildings & Grounds staff will provide downtown music from November 26th thru December 26th from 10:30 a.m. to 6:30 p.m. using the same equipment as last year.

Santa House

The Santa House will be moved to the downtown square on Monday, November 2st.

Riverwalk Construction Staging

Stevens presented a picture outlining the construction staging area needed for the Riverwalk in the north (red) parking lot. We will lose 64 parking spaces with those spaces used from when they start the project until June or July 2017. John Berry, Noblesville's Engineer, is going to discuss allowing county employees to use a city parking lot, we are waiting for a response. Altman moved to approve the use of the parking lot for construction staging and material storage with the exception of the center part of the parking as noted on the plan. Heirbrandt seconded. Motion carried unanimously.

Tablet for Judge Elect Brown

Judge Elect Brown has requested authorization to participate in the reimbursement policy for a tablet purchase. Altman moved to approve reimbursement effective upon his swearing in. Heirbrandt seconded. Motion carried unanimously.

SHERIFF

Resolution 11-14-16-1, Housing of Inmates with Elkhart County

Major Tom Gehlhausen requested approval of Resolution 11-14-16-1, Resolution Authorizing Housing of Inmates between Elkhart County, Indiana and Hamilton County, Indiana. The inmates would be housed in Elkhart County during the renovation and remodeling project. This does have a cost associated with this and they have received verbal approval. Altman moved to approve. Heirbrandt seconded. Altman asked what is the daily rate? Gehlhausen replied \$45 per day. Altman asked for clarification on the minutes where we reviewed the jail project it may have been stated incorrectly but it appeared from the minutes the costs for adult reimbursement would be \$75 verses \$38 for juveniles, Altman thinks it was switched. Gehlhausen will clarify that.

CALEA Accreditation

Gehlhausen reported the Sheriff's office received their second accreditation from the Commission of Accreditation of Law Enforcement Agencies (CALEA). We are one of three (3) sheriff's offices within the State to receive this status. Commissioners congratulated the Sheriff's staff.

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Sheriff Bowen

Gehlhausen reported Sheriff Bowen has been elected President of the Indiana Sheriff's Association by the Sheriff's across the State of Indiana and will be taking the position January 1, 2017. He is the first Sheriff from Hamilton County to hold this position. Commissioners congratulated Sheriff Bowen.

AUDITOR

2016 Unsold Tax Sale Properties

Ms. Coverdale provided a list of unsold parcels from the 2016 Tax Sale for the Commissioner's review and recommendation on how they should proceed with these parcels. Three (3) parcels went to last year's Commissioner's Certificate Sale and received no bids. Those parcels do not have to go back to the Commissioners Sale again. Altman will review those parcels in regards to sale prices. Dillinger and Heirbrandt agreed. Altman disclosed that her husband, as owner of an LLC, may bid on tax sale properties so maybe someone else should work on the values. When she met on this issue last year it was a SRI staff member that established the values. Coverdale believes SRI would be able to do the same thing. Dillinger and Heirbrandt agreed to SRI setting the values.

Payroll Claims

Heirbrandt moved to approve Payroll Claims for the period of October 8-21, 2016 paid November 4, 2016. Altman seconded. Motion carried unanimously.

Vendor Claims

Heirbrandt moved to approve Vendor Claims to be paid November 15, 2016. Altman seconded. Motion carried unanimously.

Treasurer's Monthly Report

Heirbrandt moved to accept the County Treasurer's Monthly Report dated October 31, 2016. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Drainage Board

Heirbrandt moved to accept Bonds and Letters of Credit for the drainage board. Altman seconded. Motion carried unanimously.

1. HCDB-2016-00042 - Merchants Bonding Company Performance Bond No. NIN 1266 for the Stony Creek Arm, William Locke Arm 1 Reconstruction in the amount of \$598,935.91.
2. HCDB-2016-00042 - Merchants Bonding Company Payment Bond No. NIN 1266 for the Stony Creek Arm, William Locke Arm 1 Reconstruction in the amount of \$598,935.91.

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Release of Bonds/Letters of Credit – Drainage Board

Heirbrandt moved to release Bonds and Letters of Credit for the drainage board. Altman seconded. Motion carried unanimously.

1. HCDB-2002-00350 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 887709S for Brookstore Park of Carmel Section 2 Monumentation and Markers in the amount of \$360.00.
2. HCDB-2014-00033 - Westchester Fire Insurance Company Subdivision Performance Bond No. K09018852 for Overbrook Farms Section 3 Monuments and Markers in the amount of \$12,870.00.

Resolution 11-14-16-1, Department of Corrections Grants

Coverdale requested approval of Resolution 11-14-16-1 designating the President as the signatory on Department of Corrections Grants. All State grants, with the exception of highway, will be requiring e-signatures. Altman confirmed the Commissioners will approve the agreement but the actual physical execution of the contract is electronically signed. Ralph Watson will take care of the electronic signature after the Commissioners have approved and signed the contract during a public meeting. Heirbrandt so moved. Altman seconded. Motion carried unanimously.

Heirbrandt moved to adjourn the meeting. Altman seconded. Motion carried unanimously.

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Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Mark Heirbrandt, Commissioner
Dawn Coverdale, Auditor
Dan Stevens, Director of Administration
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Mark Bowen, Sheriff
Tom Gehlhausen, Sheriff's Department
Brad Davis, Highway Director
Joel Thurman, Interim Highway Engineer
Brandi Tarner, Highway Public Service Representative
Dave Lucas, Highway Staff Engineer
Faraz Khan, Highway Staff Engineer
Brandi Tarner, Highway Public Service Representative
Chris Burt, Highway Engineering Technician
Ali Krupski, Highway Bridge Program Engineer
Bob Davis, Highway Superintendent
Steve Wood, Buildings & Grounds Superintendent
Chris Mertens, ISSD Director
Christine Campoll, Janus Developmental Services
Chuck Kiphart, Hamilton County Plan Commission
Lisa Hanni, 4-H Fairgrounds
David Brost, 4-H Fairgrounds
Susan Peterson, 4-H Fairgrounds
Travis Long, Mobile Food Vendor Permit
Barry McNulty, Health Department Director
Jason LeMaster, Health Department
Ryan Horine, Sheriff's Department
Becki Wise, USI
Floyd Burroughs, Hannum Wagle & Cline
Mike Keeven, DLZ
Chris Jensen, Lochmueller
Brad Cozza, IEA Director
Andrew Spades, 3D Company
Mark Turner, DB Engineering

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Stephanie Campbell, PCS

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

Christine Altman
Steven C. Dillinger
Mark Heirbrandt

ATTEST
Dawn Coverdale, Auditor

Date Approved: 12/12/2016