

March 23, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, March 23, 2010 with a quorum of all three (3) Commissioners in the Commissioners' Meeting Room on the first floor of the Hendricks County Government Center with the following in attendance:

David A. Whicker	)	
Eric L. Wathen	)	Hendricks County Board of Commissioners
Phyllis A. Palmer	)	
Gregory E. Steuerwald		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Don Reitz		Hendricks County Planning Director
Doug Morris		Hendricks County Systems Administrator
Judith Wyeth		Secretary to the Commissioners

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Commissioner Whicker opened the meeting and led the Pledge to the Flag in unison.

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IN THE MATTER OF MINUTES

Commissioner Palmer moved to approve the minutes of the March 16, 2010 meeting, as corrected.

Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CLAIMS

Commissioner Wathen moved to approve Claims #204311 thru 204320 and #204322 thru 204356, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF EXIT 59

Commissioner Wathen stated he had met with the representatives of Project Centerline and was advised they will be closing on March 31, 2010. He also stated the representative attended the meeting last week of the Hendricks County Economic Development Partnership.

Mike Graham explained issues with the Indianapolis Waterworks Department and the Indiana Utility Regulatory Commission relative to the delay of the installation of the water line at Exit 59 for the proposed new developments in that area and requested approval for Greg Steuerwald and him to negotiate with the Indianapolis Waterworks Department and Veolia Water to move this project forward. Greg Steuerwald stated this action would require a motion by the Commissioners. Commissioner Palmer moved to grant Mike Graham and Greg Steuerwald the authority to negotiate with Veolia Water and the Indianapolis Waterworks on behalf of the Commissioners for the Exit 59 water project. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Wathen volunteered to make calls relative to this water line project. Greg Steuerwald stated he could also make calls on this matter. It was the consensus of the Commissioners to approve Commissioner Wathen and Greg Steuerwald to make calls on water line issues at Exit 59.

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IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers announced the contractor started clearing around the stream last week in the area of the new bridge on Ronald Reagan Parkway to be built over the CSX tracks. He stated the bridge inspector has set up a field office at the site. Mr. Ayers explained the completion date of this bridge project is September 2012.

John Ayers inquired if the Commissioners would like to plan a ground breaking ceremony for the bridge on the Ronald Reagan Parkway over the CXS tracks. It was the consensus of the Commissioners for John Ayers to

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work with the contractor and plan for a ground breaking ceremony on a Tuesday afternoon following a regular Commissioners' meeting for April 6 or April 13, 2010.

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IN THE MATTER OF ORDINANCE NO. 2010-12  
ZA 305/10: ROLLING HILLS PUD LLC VILLAGE OF HERITAGE HILLS

Don Reitz presented ZA 305/10: Rolling Hills PUD, LLC (Village of Heritage Hills), an amendment to the PUD ordinance for 242.017 acres in Washington/Lincoln Townships, located on the west side of State Road 267, between County Road 200 North and County Road 300 North, and explained the requested architectural changes to the residential homes in this amendment. Mr. Reitz stated the Plan Commission held a public hearing for this zoning amendment on March 9, 2010 and there were two remonstrators expressing concerns for maintaining the value of their homes in this development. He also stated the Plan Commission discussed these changes at length and sends this zoning amendment with a favorable recommendation of 6-0-0. Attorney Amy Comer Elliott explained there was a small modification made to this PUD two years ago on the apartments proposed for this development and further explained the changes in this zoning amendment to the residential homes. There was discussion of the proposed architectural changes in this zoning request. Commissioner Palmer moved to approve ZA305/10: Rolling Hills PUD, LLC Village of Heritage Hills, as recommended by the Plan Commission, as Ordinance 2010-12. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF ANIMAL CONTROL

A draft resolution for establishing the Hendricks County Animal Control Advisory Group was presented for discussion.

Aaron Lifford, Plainfield, presented a handout with concerns and recommendations from the Humane Society and requested these concerns be made a part of the minutes as follows:

*March 19, 2010*

*TO: Hendricks County Commissioners: Palmer, Wathen, & Whicker  
Hendricks County Administrator: Michael Graham*

*FROM: Citizens Coalition Group, A Committee of Hendricks County Humane Society*

*RE: Animal Control Advisory Group, Mike Graham's Memorandum*

*Dear Hendricks County Commissioners & Administrator:*

*We have carefully examined the proposed Animal Control Advisory Group "memorandum", and we have several questions, concerns, and suggestions. Like you, we would like to see things improve at the Hendricks County Animal Control/Shelter and, based on our extensive research, we feel that some changes need to be made to this memorandum before it is voted on and passed. Below we have outlined the main areas that those questions, concerns, and suggestions are focused.*

***Advisory Group:*** *We feel that it's imperative to change the wording from "Group" to one of the following names for the purpose of creating an official and respected team of people. In a report we prepared for Mike Graham and gave to him on February 4<sup>th</sup>, name variations for Animal Control Advisory Board can include: Animal Control Board; Animal Control Commission; Animal Management Commission; Animal Control Authority; Animal Care and Control Advisory Board. In Hendricks County, prior to its disbandment on December 30, 1991, the board was called Animal Control Authority. This group should indeed be an Advisory "Board" designed to insure that not only are the policing matters of animal control being done correctly, but to insure that all animal welfare issues are acknowledged and dealt with in an expeditious manner.*

***Resolution vs. Ordinance:*** *Based on the number of current problems at Hendricks County Animal Control/Shelter, we believe that it is necessary to put the Animal Control Advisory Board into writing so that it is a recognized,*

official group within Hendricks County. It should be clear to the public that they can direct certain issues and concerns to this Board if needed. Please consider writing the Board into an ordinance for this purpose.

**Mission Statement:** What is the suggested mission/purpose statement of this Board? We have a proposed mission/purpose statement below. The mission/purpose statement should be a part of the guidelines for this organization.

### **Mission/Purpose Statement (could be edited later by Advisory Board)**

To provide recommendations to the County Commissioners that will be designed to do the following:

1. To establish and maintain a professionally and humanely run Animal Control and Animal Shelter.
2. To insure that all protocols for animal handling, cleaning of cages and animal areas, feeding, adoption, and euthanasia follow current recognized animal welfare practices.
3. To recommend avenues for expanded adoption services.
4. To establish procedures for promoting responsible pet ownership.
5. To make recommendations for educational and continuing education by the staff of the Animal Shelter.
6. To make recommendations for appropriate record keeping.
7. To make recommendations for appropriate use of donations.
8. To make recommendations for fundraising activities.
9. To assist with any "Level 2" complaints waged against Hendricks County Animal Control/Shelter. Complaints would only escalate to Level 2 if they were unable to be resolved with Animal Control/Shelter (Level 1).
10. To work with local Veterinarians to encourage collaboration.
11. To help create a more community-friendly Hendricks County Animal Control/Shelter.

### **Guidelines for the Advisory Group (changes in bold).**

1. The **Board** is advisory only and it does not have the authority to implement any recommendations they develop.
2. Any recommended policy changes will need to be reviewed and approved by the Commissioners prior to implementation.
3. **DELETE (UNECESSARY)** The Chief Animal Control Officer is charged with the responsibility and the duty to manage the operations of the Department and the operation of the shelter.
4. The Advisory **Board** will elect a chairperson, vice chairperson, **and Secretary** to help conduct the meetings and set the agendas with the assistance **of the other Board Members**.
5. Any Advisory **Board** member may introduce a topic for the agenda.
6. Summary minutes of the meeting shall be kept **by the Secretary**.
7. The Commissioners may repeal the establishment of the Advisory **Board for cause and after a public discussion**.
8. Any organization asked to have a representative on the Advisory **Board** must be a 501 C 3 organization as defined by the Internal Revenue Service.
9. Organizations that are asked to have a representative may make a recommendation to the Commissioners and the Commissioners will either approve or deny the recommendation **provided that good cause is shown for disapproval**.
10. All members of the Advisory **Board** will serve **staggered "terms" of 1 to 3 years** and may be reappointed by the Commissioners.

### **Membership (changes in bold).**

It is recommended that the Advisory Board be comprised of **9 members (for voting purposes)** and the Chief Animal Control Officer as an ex-officio member. **The Board will report to and seek action from the Hendricks County Commissioners, thus making it unnecessary for a Commissioner to be on the Board.**

The Advisory Board should be composed of the following members and respective "terms":

- 1 representative from the Sheriff's Department (selected by the Sheriff): **1 year**
- 1 Council Member (selected by the Council): **1 year**
- 1 member of the Friends of the Shelter (recommendation by the Friends): **2 years**
- 1 member of the Hendricks County Humane Society (recommendation by the Humane Society): **2 years**
- 2 Veterinarians (Commissioners appoint): 1 would serve for 1 year and the other for 2 years**
- 1 member **of a Non Breed specific 501c3 Animal Rescue Organization: 2 years**
- 2 Citizens (advertised and open to the public to apply): 1 would serve for 1 year and the other for 2 years**
- 1 Chief Animal Control Officer: no time limit and no voting rights

**Additional notes from the report provided to Mike Graham by HCHS:**

#### Comparison to Indiana Counties

Government-run animal shelters overviewed by an Animal Control Board include:

- Marion County Animal Control
- Johnson County Animal Control
- Terre Haute Animal Control
- Fort Wayne Animal Care and Control
- Columbus Animal Control
- Greensburg-Decatur Animal Control
- Bloomington Animal Control
- Monroe County Animal Control

How many serve on the board? Our research shows anywhere from 5 to 10 members serve and nearly all have slightly staggered lengths of time that they serve.

How is the Board formed? By city or county ordinance which states how to form the board. Appointments to the board may be made by the Mayor, County Council, County Commissioners, Sheriff, Humane Society, etc. or any combination. For instance, the Council can appoint two members and the Commissioners may appoint 3 people. It just depends how the ordinance is written.

We appreciate your diligence and efforts in helping improve Hendricks County, and we hope that you will consider the proposed changes. Thank you for your time.

Respectfully,  
Citizens Coalition Group  
A Committee of Hendricks County Humane Society

Julie Bates, Avon, commented on the name containing “Board” or “Group” and stated they need a mission statement to clarify their purpose. She also stated she was a member of an animal rescue group for Huskies.

Merrily Niles, Danville, gave suggestions for a mission statement for the group and their purpose.

Red Bledsoe, Avon, stated he had helped raise funds for the new animal control facility, explained previous Humane Society concerns, stated there is currently a staff that handles animal control matters and stressed the new animal control advisory body has no authority, but that they do bring recommendations for resolutions of issues and concerns to the Commissioners.

Bea Tate, Avon, explained this advisory body could bring options to resolve issues and concerns at the animal control facility.

Kyle McGuinness, Plainfield, stated an employee of the Animal Control facility should be a member of this group.

The Commissioners stated their expectation for the Advisory Group is the group will work together in an advisory capacity to the Commissioners for the continuing improvements in Animal Control and Shelter functions by making recommendations to the Commissioners regarding facility needs, equipment needs, operational / procedural issues and policies of the Animal Control and Animal Shelter.

There was discussion that the group meet quarterly unless deemed necessary to meet more often, the terms of the appointees, the composition of the group, their purpose and guidelines, provisions need be made for a secretary to take minutes and several suggested revisions to the draft resolution. It was the consensus of the Commissioners to take the suggested changes under advisement and bring the resolution with changes to the April 6, 2010 meeting for further consideration.

Mike Graham referenced the February 23, 2010 meeting when a request was presented from Mary Anne Lewis, Chief Animal Control Officer, to spend \$9,000 from her Donation Fund to purchase six new lap top computers for her officers and stated at that time the Commissioners wanted this number reduced to four because there are only four vans. He explained in talking to Ms. Lewis the computers are not assigned to the vans, but are assigned to each of the officers and the lap tops are their individual work stations. Mr. Graham stated the officers have to prepare reports on each of their cases and the reports are not always prepared in the vans. He also stated that because each officer keeps all their records on their individual computers the sharing of computers would become awkward and inefficient. Doug Morris stated he was working with the Animal

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Control staff on computers and will order, install and set up the number approved by the Commissioners.

He reported Dell laptop computers could be purchased for \$1,541.31 each and six would be a total of \$9,247.86.

Commissioner Palmer moved to approve the purchase of six computers for the Animal Control staff and fund from the Animal Control Donation Fund. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF RESOLUTION NO. 10-04  
SUPPORTING A COUNTY WIDE APPLICATION

Mike Graham reported Google has been buying up a lot of dark fiber in the country to try and improve fiber-to-the-home Internet service. He explained they are providing grants to communities for demonstration projects that would improve fiber access and some of the towns and the Hendricks County Economic Development Partnership are advocating a joint grant application from the four major towns and the County. However, there is a lot of competition for the grants and we are getting into the process late, but he also stated our strength is we can show a united effort. The deadline for submitting the application for the grant is March 26, 2010 and the elected officials in all of the communities have the ability to change their mind during the process. Mr. Graham stated they have had a joint meeting with Cinda Kelley, Executive Director Hendricks County Economic Development Partnership, her staff, town representatives of Avon, Brownsburg, Danville and Plainfield, Hendricks Regional Health representatives and a fiber company in the County. He stated Ms. Kelley and her staff are putting together the application and Doug Morris is supplying some information about our existing cable as a part of the application. Mr. Graham presented a draft resolution supporting a county wide application for the Commissioners consideration and stated regardless of the outcome of the grant process, the effort of bringing the various units of local government together may produce some positive outcomes. He also stated besides the various units of government we are including Hendricks Regional Health and Hendricks Power in our discussions as both have available dark fiber and are very supportive of collaborations with the local units of government. He stated this could be the beginning point where the towns and the County work together to improve fiber access. Commissioner Wathen stated the Economic Development Commission discussed and approved this resolution at their last meeting. Commissioner Palmer moved to approve the Resolution Supporting a County Wide Application as Resolution 10-04.

**RESOLUTION 10 -04**  
**Supporting a County Wide Application**

*WHEREAS, Google is accepting applications for their Internet project;*

*WHEREAS, a County Wide Partnership for the Google project would benefit the entire Hendricks County;*

*WHEREAS, a County Wide working group to coordinate fiber initiatives could leverage the resources of many different entities,*

*NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA*

*That the Hendricks County Commissioners support a County Wide application for the Google Internet project and the Hendricks County Board of Commissioner support the establishment*

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*of a County Wide working group to coordinate fiber initiatives.*

*This resolution is hereby passed and adopted this 23<sup>rd</sup> day of March, 2010.*

*(Signed)*

*HENDRICKS COUNTY BOARD OF COMMISSIONERS  
David A. Whicker, President  
Eric L. Wathen, Vice President  
Phyllis A. Palmer, Member*

Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF COMPUTER DEPARTMENT

Doug Morris reported unfortunately, he had to make the decision to block streaming media today on the County internet system. The County Nursing Department and Planning and Building Department use internet based applications and they are having difficulty maintaining connectivity to those applications. He stated he has exhausted all other troubleshooting methods so the only other option is to block the top bandwidth consumer on our internet connection to determine if an overused internet connection is the problem. He also stated we average 14 to 16 Gigabytes of bandwidth a day and 90% of that is streaming media. Mr. Morris explained streaming media is internet radio, including YouTube, Hulu, Pandora, and pretty much anything you can listen to or view on the internet and while there may still be some that is accessible, they have blocked the sites that consume the most bandwidth according to the firewall logs. He stated he hopes this is temporary as they troubleshoot the issues these departments are having.

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IN THE MATTER OF RAILS TO TRAILS

John Ayers stated the bid was let on March 17, 2010 for the B & O Trail in the amount of \$3,082,974.91, which was under the engineer's estimate. He also stated this project will be funded in its entirety from Stimulus Funds, including CE, with no matching funds from the County.

John Ayers presented the LPA – Consultant Contract American Recovery and Reinvestment Act of 2009 Funding with Crossroad Engineers for DES. No: 0901655 for the B & O Rails to Trails Project – Phase 2, Hendricks County for inspection services in the amount of \$334,839.15. He stated this portion of the B & O Trail, Phase 2, through Hendricks County, will be completed November 1, 2010 and explained these services.

Commissioner Wathen moved to approve the LPA – Consultant Contract American Recovery and Reinvestment Act of 2009 Funding with Crossroad Engineers for Des. No: 0901655 for the B & O Rails to Trails Project – Phase 2, Hendricks County, for inspection services in the amount of \$334,839.15.

Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CR 1000 S

John Ayers reported they have milled and stoned CR 1000S to temporarily repair the damages done to the road by the detour of the bridge on SR 39. He also stated they will grade to keep the road smooth in an effort to preserve the road until the bridge work is completed.

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IN THE MATTER OF CR 950 N

Commissioner Wathen advised John Ayers he had received a complaint that CR 950N is in need of repair. Mr. Ayers stated he will check on this road.

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IN THE MATTER OF FACILITIES MANAGER

John Ayers announced they offered the position of Facilities Manager to Kevin Cavanaugh and he has accepted the offer and will start work on March 29, 2010.

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IN THE MATTER OF BUILDING MAINTENANCE

John Ayers requested to replace the flush valves in the bathrooms in the Government Center and Court House with battery operated activated flush valves to save water usage and money. He stated twenty-five of these replacement valves would cost \$3,530 and inquired if there were funds available for this purchase. Mike Graham suggested that he check if there were any bond funds left for the Government Center. Commissioner Palmer moved to authorize John Ayers to purchase the battery operated activated flush valves for the Court House and Government Center and to check funding from the bond. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CIRTA

Auditor Cinda Kattau presented the March 18, 2010 letter from CIRTA (Central Indiana Regional Transportation Authority) along with an invoice in the amount of \$16,604 for the 2010 contribution for partnership in CIRTA. Ms. Kattau stated she will advertise for additional appropriations for the May 13, 2010 Council meeting for this CIRTA invoice and let the Council make the decision if they want to fund this invoice.

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IN THE MATTER OF TAXES

Auditor Cinda Kattau reported the Circuit Breaker will impact Hendricks County \$1,300,000 for 2011.

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IN THE MATTER OF AWARD

Commissioner Wathen announced the Hendricks County Economic Development Partnership recognized the County at their annual meeting on March 18, 2010 with a 2009 Economic Development award in recognition for the County cooperating with the Town of Plainfield and granting approval to allocate an amount not to exceed \$8,913,000 in Federal Recovery Zone Facility bonds volume cap to the Town of Plainfield to use in connection with the Whitaker Properties, LLC project and designating the Town of Plainfield, Indiana as a "recovery zone" for the purpose of issuing Recovery Zone Economic Development bonds. Mike Graham stated this is a federal subsidy for bonds and the County adopted this recovery resolution for the Town of Plainfield as Resolution No. 09-10 on August 25, 2009. He also stated Niagara Water is located on this property and they have brought this \$17,000,000 project to Hendricks County with plans to open 1,200 new jobs for Hendricks County. The award will be placed in the display case on the first floor of the Government Center.

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IN THE MATTER OF ASSOCIATION OF INDIANA COUNTIES

It was noted the West Central District meeting of the Indiana Association of Indiana Counties (AIC) will be held at the Covington Beefhouse on Tuesday, April 13, 2010. All three Commissioners requested reservations be made for them to attend this district meeting.

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IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. Notice of the Receipt of an Air Permit Application by IDEM Office of Air Quality for Concrete Strategies for property located at 9440 Highway 39 South, Mooresville, IN.
2. IDEM Office of Air Quality, Permits Branch, Notice of Decision: Approval-Effective Immediately, Steel Dynamics, Inc.
3. IDEM Office of Air Quality, Permits Branch, Notice of Decision: Approval-Effective Immediately, Concrete Strategies, LLC.
4. IDEM Office of Water Quality, Drinking Water Branch, Coatesville Community Bldg., Coatesville, IN, Application for Public Water Supply Construction Permit.
5. Cummins Mental Health Board of Directors Meeting Announcement, Thursday, March 25, 2010, Board Conference Room, Avon, IN, 5:30 p.m.
6. US Federal Highway Administration information request regarding Americans with Disabilities Act "Self-Assessment" and "Transition Plan."
7. Town of Danville, Dedication Ceremony For the New Danville Town Hall and Open House, Saturday, April 10, 2010, 4:00 p.m. at the Town Hall, 49 N. Wayne Street, Danville, IN.

**Action needed/taken on the following:**

1. Checks received and signed to the county:
  - a. Hendricks County Clerk \$1,090.50 Joshua Daniel Russo
  - b. Governmental Interinsurance Exchange \$1,174.97 Vehicle Damage
2. Whicker signed vehicle titles for the following: None
3. Documents needing action: None

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IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for March 13 to March 19, 2010 from Curt Higginbotham, Highway Superintendent.

Receipt was acknowledged of the March 15, 2010 letter from Sheriff Dave Galloway complimenting Curt Higginbotham and his staff for the outstanding job of keeping County roads in good shape for travel over the past two months.

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IN THE MATTER OF PLANNING

Receipt was acknowledged of the February 15, 2010 Planning and Building Report of Collections from Don Reitz, Planning Director.

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IN THE MATTER OF INSURANCE

Receipt was acknowledged of the State Farm Insurance Companies Notice of Subrogation Claim relative to Jeffrey Edwards sustaining loss to his vehicle after he struck a pothole at Stilesville Road, Stilesville, IN. The original has been hand delivered to Rich Jensen and a copy delivered to Greg Steuerwald.

Commissioner Wathen moved to adjourn the Commissioners' meeting at 11:00 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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David A. Whicker, President

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Eric L. Wathen, Vice President

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Phyllis A. Palmer, Member

ATTEST: \_\_\_\_\_  
 Judith Wyeth, Deputy Auditor



