

June 22, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, June 22, 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
James McBryant		Administrator Cypress Manor
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 June 15, 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 #207030 thru 207315, #207316 thru 207328, #207329 thru 207334, #207448 thru 207464, #207465 thru 207478, #096456 thru 096582 and Direct Deposit #059755 thru 060164, 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

John Ayers presented an agreement for a local detour with INDOT over County roads while a portion of SR 39 is closed at CR 800 S and explained this detour will be over CR 875 S to CR 375 E to CR 750 S.

Commissioner Palmer moved to approve the local detour with INDOT for the closure of SR 39 at CR 800 S, as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Mike Graham explained the proposed agreement concerns for the \$300,000 grant received from the Indiana Economic Development Corporation (IEDC) for infrastructure improvements at Kite's 70 West Commerce Park. He stated the grant has been approved and Treasurer Nancy Marsh has received a deposit of \$300,000; however, there are some provisions of concern in the grant document that could allow the IEDC to come after the County for repayment of the grant if J&J does not meet the preliminary employment performance standards. J&J did not sign the grant application, but were not a signatory on the agreement. Mr. Graham also stated Cinda Kelley, Executive Director Economic Development Partnership, stated that the IEDC has never tried to recover the grant money for a project and she has audited these grants for the State. He noted if something would go wrong we did not want the County responsible for the full \$300,000. The proposed agreement is between Kite and the County and it states if something goes wrong and the State wants \$300,000 grant money back Kite will pay half. There was discussion of this grant. Commissioner Wathen moved to approve the Letter Agreement Regarding Allocation of Payback Obligation Under IDGF 08-911 regarding payback of \$300,000 with the Economic Development Partnership and authorize the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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Commissioner Wathen requested Mike Graham to set up a meeting with representatives of the Liberty Township Fire Department to discuss protection for the proposed development at Exit 59.

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IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers reported he had no response from INDOT relative to possible relinquishment of a portion of SR 267 and had been advised this issue is not being discussed by INDOT at this time.

John Ayers gave an update on the bridge on the Ronald Reagan Parkway over the CSX tracks and stated they are ready to do the pile foundation, however, they are being delayed by the heavy rains in the area. He stated they are continuing to haul fill and will start hauling fill from the B&O trail.

John Ayers advised he will be meeting on June 29, 2010 with homeowners of the Sun Chase Development to discuss the plans for this road adjacent to their subdivision. He stated they will explain the environmental study was completed for this road in 1994 and the road is already planned and will not be changed; however, he will explain to them the exact location and design. Mr. Ayers stated he will explain the proposed mounding that will provide them some privacy and sound buffer and stated the County will be working together with the Town of Avon on this mound project.

John Ayers stated he is still awaiting a response from INDOT for the requested signal light at the connector road and Ronald Reagan Parkway at I-74.

John Ayers reported he had received no response from the Town of Plainfield relative to the overweight tickets received by drivers of the contractor building the bridge on the Ronald Reagan Parkway over the CSX tracks. Greg Steuerwald stated he had talked to the attorney for the Town of Plainfield this morning and they are working to resolve this issue.

Commissioner Wathen inquired why we were no longer receiving monthly reports from Appian on their activities for the Ronald Reagan Parkway. John Ayers responded he will talk with Dennis Faulkenberg of Appian on this matter.

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IN THE MATTER OF SUBSTANCE ABUSE POLICY – HIGHWAY

Mike Graham explained there is a specific Substance Abuse Policy adopted by the Commissioners for the Highway Department. This Policy is required as a part of the Federal Department of Transportation requirements. He stated the last time the Commissioners amended the policy was July 7, 2009 and the Policy needs to be amended again. Mr. Graham stated the old Policy reads **“Observed collections may be required on return-to-duty and follow up tests.”** And it needs to be amended to read, **“All collections must be observed on return to duty and follow-up tests.”** He stated the “may” needs to be “must” and advised if the Commissioners approved the amendment there is a Statement of Purpose and Policy Sheet they need to sign. Commissioner Wathen moved to amend the Substance Abuse Policy for the Highway Department, as presented, and sign the Statement of Purpose and Policy Sheet in order to comply with the requirements of the Federal Department of Transportation. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF LOCAL GOVERNMENT COOPERATION AWARD

Mike Graham presented the 2010 Local Government Cooperation Award Application for the cooperation between the Hendricks County Regional Sewer District and the Town of Monrovia to provide wastewater treatment services to support the 1,500 acres of new commercial and industrial development in Hendricks County, located at the interchange of I-70 and SR 39, Exit 59. He explained this award is presented by the Association of Indiana Counties (AIC) and the winners are presented the award at the Association of Indiana Counties (AIC) annual conference later this year. There was discussion of the application and the need to stress the economic development that will be provided to this area as the result of the cooperation of these two local units of government. It was the consensus of the Commissioners to forward this application to the AIC for their consideration.

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IN THE MATTER OF FORMER DANVILLE TOWN HALL

John Ayers stated he had talked with Andy Hine, Arc Design, on his inspection of the former Danville Town Hall and he is working on a report to present to the Commissioners at the July 6, 2010 meeting.

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IN THE MATTER OF INSURANCE AUDIT

Mike Graham reported he is continuing to work with Insurance Audit on their evaluation of the County liability insurance.

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IN THE MATTER OF ANIMAL CONTROL

Commissioner Palmer submitted several names of individuals for consideration as facilitators for the Animal Control Advisory Group. These were taken under advisement. Commissioner Palmer is to follow up and contact potential facilitators.

There was discussion of a Commissioner to serve as the Commissioners' representative on the Animal Control Advisory Group. No action was taken at this time.

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IN THE MATTER OF USE OF CHAIRS

Receipt was acknowledged of a request from Norm Gulley for the Hendricks Symphony Orchestra and the Hendricks Symphonic Choir advising they will have 130 members performing Beethoven's Ninth Symphony this coming Saturday June 26, 2010 in Danville Ellis Park. Their rehearsals are scheduled in the Martin Amphitheater for Tuesday evening, June 22, 2010, Thursday evening, June 24, 2010 and the performance Saturday evening. They are requesting to borrow 130 chairs for use those three evenings. It was noted the chairs will be under cover and covered with a tarp and of course guaranteed by White Lick Arts. The Town of Danville will pick up the chairs on Tuesday and bring them back on Monday, June 28, 2010. It was noted the Commissioners approved this request last year for use of chairs from the Court House and Government Center. It was the consensus of the Commissioners to again approve the use of chairs for the Hendricks Symphonic Orchestra and Choir on the dates specified.

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IN THE MATTER OF FLOODING

John Ayers gave an update on several flooded areas in the County due to the extremely heavy rainfall in the past few days and stated several County roads have been closed as the result of high water. He explained Indian Head Lake, located at CR 600 E and CR 150 N, has a breach in the dam and Emergency Management has

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evacuated some homes in the area. Mr. Ayers further explained possible ongoing repairs and of the threat to the homeowners in this area and stated they will block this off immediately.

John Ayers stated that due to several outstanding drainage projects, he was requesting permission to hire Banning Engineering to do some investigation and design and stated he had \$10,000 in his 2010 budget that could be used for this design project. It was the consensus of the Commissioners to obtain a contract with Banning Engineering for design services and bring back for further consideration.

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IN THE MATTER OF GOVERNMENT CENTER

John Ayers explained the problems with a lightning strike at the Government Center over the weekend that took out the air conditioning and turned on the heat making the building extremely hot. He stated the generator did kick on. The alarm in the Health Department did not activate and they lost some of the vaccine stored in their refrigerator. They are working to resolve the problem.

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IN THE MATTER OF COUNTY ROADS

John Ayers reported they have paved Maloney Road.

John Ayers explained a citizen complaint about the bleeding of chip and seal roads and stated this is due to heat and they can re-chip. He stated this is an inherent problem with chip and seal roads. Mr. Ayers stated he will respond to this citizen and explain the road.

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IN THE MATTER OF MPO

John Ayers presented a copy of his letter of June 16, 2010 to Lori Miser of the MPO (Metropolitan Planning Organization) relative to billing and explained the claim has been processed to be paid on July 1, 2010 for the Local Match for the Unified Work Program in the amount of \$16,403, as invoiced, and requested that they do not send invoices for *voluntary* contributions that indicate a negative or “unpaid” on the Summary Table.

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IN THE MATTER OF CONSERVATION CLUB DAM

John Ayers stated he had an estimate from Banning Engineering for the Conservation Club dam design for a fee of \$48,500. Mike Graham stated there were no funds available because Sycamore Services has not yet purchased the property from Hendricks Regional Health. Once this transaction is completed Hendricks Regional will buy property from the County. Greg Steuerwald advised to get a contract ready from Banning Engineering for the design, but to not sign until funds have been received and are available. It was the consensus of the Commissioners to wait to approve and sign the agreement with Banning Engineering until the funds have been received.

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IN THE MATTER OF REX PIPELINE

John Ayers advised that last week he had talked with a representative from REX Pipeline regarding reimbursement for damages done to County roads when their pipeline crossed Hendricks County. He stated REX representative engineering is disputing the amount of repair we have requested for reimbursement for the roads and the engineering firm will obtain quotes to verify our request for payment of repairs.

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IN THE MATTER OF CYPRESS MANOR

James McBryant introduced Grant Gabriel and Jonathan Murray of OKOS and the Community Action of

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Greater Indianapolis. He explained this organization and stated they have funds that could help change the small vacant brick building at Cypress Manor into an activities room. Jonathan Murray explained changes in Medicare will change the funding for the assistance provided by Cummings Mental Health and this facility could be used for their visits with residents and as a recreation area. Grant Gabriel explained Community Action has funds from the federal stimulus and will fund the repairs for this building, but inquired the status of utilities to this facility. John Ayers explained there were utilities to this building at one time and he could check on the current status. There was discussion of this project. It was the consensus of the Commissioners to continue to explore the possibility of renovating this building and bring back a plan and the costs.

Receipt was acknowledged of the Cypress Manor report for June 7 to June 18, 2010 from James McBryant, Cypress Manor Superintendent.

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IN THE MATTER OF RIDGEHILL LOT #121 – PRESTWICK

Commissioner Whicker referenced the Commissioners' request at the June 15, 2010 meeting for Attorney Greg Steuerwald to bring an agreement with Washington Township relative to transferring ownership of Lot #121 in Ridgehill at Prestwick from Hendricks County to Washington Township and their request to use this lot for a pedestrian trail. He read the following resolution for Lot No. 121 in Ridgehill Subdivision in the Prestwick Development:

**RESOLUTION NO. 10-10**

*Comes now the Board of Commissioners of Hendricks County, Indiana, and having concluded that it is in the County's best interest to transfer title to Lot #121 in Ridgehill Subdivision in Prestwick Development the following resolution with the following restrictions:*

*The deed shall be subject to the Township agreeing that the Lot will not be used for any other purpose than ingress/egress to Township properties. That said ingress/egress shall be used only for pedestrian and non-motorized traffic.*

*ADOPTED this 22<sup>nd</sup> day of June, 2010*

*HENDRICKS COUNTY BOARD  
OF COMMISSIONERS*

*David A. Whicker  
Eric L. Wathen  
Phyllis A. Palmer*

*ATTEST*

*Cinda Kattau, Hendricks County Auditor*

*ACCEPTED AND ADOPTED this \_\_\_\_ day of June, 2010*

*PRINTED: \_\_\_\_\_  
Washington Township Trustee*

There was discussion that this resolution clearly stated that all motorized vehicles are restricted from this lot and that it was solely for pedestrian use. Commissioner Wathen moved to approve the resolution transferring Lot #121 in Ridgehill Subdivision of the Prestwick Development from Hendricks County to Washington Township

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to restrict non-motorized vehicles, as presented, as Resolution 10-10. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. IDEM, Office of Water Quality, Solid Waste Permits Section, Office of Land Quality, Approval of Closure/Post-Closure Plan, Deep Path WWTP, WWTP Sludge Lagoon Closure, Hendricks County, IN.
2. IDEM, Office of Water Quality, Facility Construction Section has received a sewer permit from SEACORP that would allow the applicant to construct Koger Subdivision in Stilesville, IN.
3. Cummins Behavioral Health Systems, Inc., Board of Directors Meeting, Thursday, June 24, 2010, Board Conference Room, Avon, IN, 6:00 p.m.
4. IDEM, Office of Water Quality, Solid Waste Permits Section, Office of Land Quality, Request for Additional Information, Twin bridges Recycling and Disposal Facility, Permit Renewal.
5. Moench Engineering, P.C., the agent for the property owner has made application to the Avon Plan Commission for a development plan review for a project to be known as the CSX-Big Four Yard-Yard Office Building. A Public Hearing will be held in the Avon Town hall on Monday, June 28, 2010 at 7:00 p.m.

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

1. Checks received and signed to the county: None
2. Whicker signed vehicle titles for the following: None
3. Documents needing action: None

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IN THE MATTER OF TORT CLAIM – ANGELA AKERS

Receipt was acknowledged of a Tort Claim from Christopher & Taylor, Attorneys at Law, for Angela Akers for incident of May 22, 2010 involving a motorcycle losing control due to oil on the road at the intersection of CR 600S and CR 700E within the Town of Plainfield. It was noted the original has been hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

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IN THE MATTER OF TORT CLAIM - MICHAEL HINESLEY

Receipt was acknowledged of a Tort Claim from Christopher & Taylor, Attorneys at Law, for Michael Hinesley for incident of May 22, 2010 involving a motorcycle losing control due to oil on the road at the intersection of CR 600S and CR700E within the Town of Plainfield. It was noted the original has been hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

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IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the May 15 to June 15, 2010 Weights and Measures report from Charles Colbert, Weight and Measures Inspector.

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IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the June 14 – 18, 2010 Human Resources report from Ron Love, Human Resources Director.

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IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for June 12 to June 18, 2010 from Curt Higginbotham, Highway Superintendent.

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IN THE MATTER OF HENDRICKS REGIONAL HEALTH

Commissioner Whicker announced the Hendricks Regional Health had sent an invitation to the

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Commissioners for their open house on Tuesday, June 29, 2010 and stated he would be unable to attend, but requested for a Commissioner to attend. Commissioners Palmer and Wathen both said they would plan to attend to represent the Commissioners at this Hendricks Regional Health open house.

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IN THE MATTER OF MEETINGS

Commissioner Whicker announced next week, June 29, 2010, is a fifth Tuesday so they will not have a Commissioners' meeting. The next Commissioners' meeting will be next month on July 6, 2010.

Commissioner Wathen moved to adjourn the Commissioners' meeting at 10:55 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

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