

January 26, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, January 26, 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	)	
Tyler Starkey		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
Gail Brown		Hendricks County Assessor
Dr. David Hadley		Hendricks County Health Director
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Cathy Grindstaff		Hendricks County Director Environmental Health
Monica Smith		Hendricks County Director Nursing Health
James McBryant		Administrator Cypress Manor
Lesa Turret		Hendricks County Planner
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 January 19, 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 #201764 thru 202082, #202122 thru 202127, #202168 thru 202184 and #202220 thru 202225, 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

Mike Graham reported they had been informed there was a problem with the easement for the water line to Exit 59, however, he anticipates having the easement for the waterline through the Koger property this week.

Mike Graham explained that on January 12, 2010 the Commissioners signed an agreement with Veolia to provide water service to Project Centerline at Exit 59. He presented a revised agreement with Veolia and asked the Commissioners to sign this revised agreement as it eliminates the Indianapolis Department of Waterworks from having to participate in the agreement and it allows Hendricks County to post a Letter of Credit versus making a cash deposit. Mr. Graham also stated that Greg Steuerwald had reviewed this revised agreement. Commissioner Palmer moved to approve the revised agreement with Veolia to provide water service to Exit 59 and authorize the President to sign on behalf of the Commissioners. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Mike Graham stated Attorney Greg Steuerwald, Bruce Donaldson, Barnes & Thornburg, and Greg Guerrettaz, Financial Solutions Group (FSG), will be meeting again with representatives of Kite on the TIF bond for their property at Exit 59, known as 70 West Commerce Park.

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IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers reported we are still waiting on the Notice to Proceed from INDOT on the bridge on Ronald Reagan Parkway over the CSX tracks.

John Ayers stated he and Commissioner Wathen met last week with representatives of Brownsburg.

Commissioner Wathen explained Brownsburg is working with INDOT and will meet with them on February 12, 2010 to discuss exchange of funds for a SR 67 project and Ronald Reagan Parkway.

Commissioner Wathen advised he met on January 22, 2010 with representatives of Avon to discuss the Ronald Reagan Parkway from CR 100S to CR 200S and they have requested to look at the plans before the bidding and stated Avon is requesting curb and gutters on the Parkway.

John Ayers reported he met on January 22, 2010 with representatives of Beam, Longest & Neff and they are working on the noise and historic impact for their environmental study of the Ronald Reagan Parkway north of I-74.

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IN THE MATTER OF HIGHWAY SUPERINTENDENT

John Ayers introduced Curt Higginbotham as the Selection Committee's replacement for the position of Hendricks County Highway Superintendent to replace Martin Summers and stated he can start work on Monday, February 1, 2010. Commissioner Palmer moved, based on the recommendation of the Selection Committee, to appoint Curt Higginbotham to the position of Hendricks County Highway Superintendent, effective February 1, 2010. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. Mr. Higginbotham gave brief comments about himself and stated he is a resident of the Avon area and is looking forward to doing the job.

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IN THE MATTER OF DANVILLE SURVEY OF PATRONS

Amanda Jensen, Executive Director Greater Danville Chamber of Commerce, introduced Cinda Kelley, Executive Director Hendricks County Economic Development Partnership. Ms. Kelley stated she was representing the Downtown Danville Partnership and the Hendricks County Economic Development Partnership to request permission to survey Courthouse patrons in an effort to see the impact the Courthouse has on downtown businesses. She stated this project would be set up by the IU Urban Policy and will be conducted using volunteers on governmental property. There was discussion of the questions and process. Commissioner Wathen moved for the Hendricks County Economic Development Partnership and the Danville Downtown Partnership be allowed to use governmental property to conduct the survey. Commissioner Palmer stated she would be voting no as she felt a responsibility to the citizens and taxpayers as many of those doing business in the County government buildings are often under stress and the survey would be inconsiderate. Commissioner Whicker seconded the motion and the motion was approved 2-1-0 with Commissioners Wathen and Whicker voting aye and Commissioners Palmer voting nay.

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IN THE MATTER OF ORDINANCE 2010-01  
K. S. HENDRICKS PARTNERS ZA 399-09

Lesla Ternet presented ZA 399/09, K. S. Hendricks Partners, a zoning amendment change from PB/Planned Business District to GB/General Business District, 23.4 acres, in Liberty Township, located on the west side of SR 39 and north of I-70. Commissioner Wathen explained the terminology and commitment on this zoning request and stated this is a follow up of a previous zoning request and will follow the same restrictions as the original request. Ms. Ternet stated the Plan Commission held a public hearing on January 12, 2010 and sends

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this zoning amendment with a 7-0-0 favorable recommendation. Commissioner Wathen moved to approve ZA399/09 for K. S. Hendricks Partners, as recommended by the Plan Commission, as Ordinance 2001-01.

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

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IN THE MATTER OF ORDINANCE 2010-02  
TSA 01-10 AMENDMENT TO SUBDIVISION CONTROL ORDINANCE

Lesia Ternet presented TSA 01/10: an Amendment to the Subdivision Control Ordinance, a proposal to amend Section 4.03 Expiration of Primary Approval and Section 5.02 Expiration of Approval, changes that pertain to subdivision regulations in the area under the jurisdiction of the Hendricks County Area Plan Commission. She explained this amendment is to clear up and clarify the time frame and stated the Plan Commission held a public hearing on January 12, 2010 and sends this text amendment with a favorable recommendation. Commissioner Wathen moved to approve TSA 01/10, as recommended by the Plan Commission, as Ordinance 2010-02. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF ORDINANCE 2010-03  
TSA 02/10 AMENDMENT TO SUBDIVISION CONTROL ORDINANCE

Lesia Ternet presented TSA 02/10: an Amendment to Subdivision Control Ordinance, a proposal to amend Section 3.15 2(a) Provisions for completion of improvements changes that pertain to subdivision regulation in the area under the jurisdiction of the Hendricks County Plan Commission. She explained this amendment is to correct an omission and stated the Plan Commission held a public hearing on January 12, 2010 and sends this text amendment a favorable recommendation. Commissioner Wathen moved to approve TSA 02/10, as recommended by the Plan Commission, as Ordinance No. 2010-03. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF NURSING – H1N1

Monica Smith advised that on November 10, 2009 the Commissioners approved and signed a Service Agreement for VNS (Visiting Nurse Service) to Staff for H1N1 Immunizations. She presented an amendment to this contract and stated this is to increase the hourly fee from \$22 to \$25. She stated this is considerable less than other agencies and while they have not used the VNS services previously they plan to start using them for the H1N1 immunizations. Ms. Smith also stated this will be funded from the H1N1 funds and would be at no cost to Hendricks County. Attorney Tyler Starkey stated the dates would not need to be changed on the agreement as Hendricks County has not previously used the VNS services. Commissioner Wathen moved to approve the amendment for VNS services to staff for H1N1 immunizations 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.

Cinda Kelley, Executive Director Hendricks County Economic Development Partnership, stated she had helped set up H1N1 clinics with several businesses within Hendricks County and complemented the Hendricks County Health Department on their cooperation in working with business employers and the Partnership on these immunizations for their employees.

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IN THE MATTER OF PICTOMETRY CONTRACT

Assessor Gail Brown requested to continue the Pictometry contract until she heard confirmation that we would be joining with the Metropolitan Planning Organization (MPO) on this project.

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IN THE MATTER OF HEALTH DEPARTMENT

Cathy Grindstaff provided three revised draft ordinances including Food Ordinance, Body Modification Ordinance and Fee Ordinance and requested to advertise for a public hearing for each of these three ordinances. It was the consensus of the Board to advertise the Food Ordinance, Body Modification Ordinance and Fee Ordinance for a 9:30 AM public hearing on Tuesday, February 23, 2010 in the Commissioners' Meeting Room.

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IN THE MATTER HEALTH BOARD - APPOINTMENT

Receipt was acknowledged of a letter from Dr. David Hadley suggesting several individuals for appointment to the Health Board to replace Dr. Harold Power, who has resigned from the Board. It was noted this is a four-year term through December 31, 2013. Commissioner Wathen moved to appoint Brian Cobb to replace Dr. Harold Power on the Health Board, as a Republican citizen appointee, for a four-year term through December 31, 2013. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

There was discussion the term of another Health Board Member is due for consideration. Staff will check on the terms of other Health Board members and report back.

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IN THE MATTER OF CYPRESS MANOR

James McBryant presented an application for residency to Cypress Manor. Mr. McBryant gave a brief history of Dennis McIntyre and recommended he be admitted for a ten day period. Commissioner Palmer moved that based on the recommendation of Mr. McBryant to approve the admission of this individual for residency in Cypress Manor through February 5, 2010. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF ANIMAL CONTROL

Mike Graham reported Mary Ann Lewis, Chief Animal Control Officer, has her annual report ready to present and inquired if the Commissioners wanted this report as a full power-point presentation, a short presentation with Q&A (Questions and Answers), or just a copy of the report and requested a date for the presentation. It was the consensus of the Commissioners for Ms. Lewis to make a short presentation with questions and answers during the February 9, 2010 Commissioners' meeting.

Mike Graham stated Mary Ann Lewis has requested to advertise animals they have in the shelter that are available for adoption in the *Hendricks County Flyer* and the *Indianapolis Star* for an annual fee of \$7,358. He stated Ms. Lewis advertised the animals for adoption only in the *Hendricks County Flyer* in 2009 with the ad funded from an individual who has stopped giving to the project. Mr. Graham stated Ms. Lewis would like to fund the advertising fee for 2010 from her Donations Fund. Commissioner Wathen moved to allow the use of the Animal Control Donation Funds to fund the advertising of animals for adoption in the *Hendricks County*

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*Flyer* and the *Indianapolis Star* for this year. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF DANVILLE PROPERTY – INSPECTION

Mike Graham presented an inspection agreement provided by Buyers Protection Group for inspection of the Danville property and explained it is not an agreement that he was used to seeing as there is no signature line for either the County or the company and the cost is not contained in the agreement. He stated he has talked to the inspector about the agreement not being in a format we are accustomed to seeing and was informed that this is the way this company prepares their agreements. Mr. Graham stated we can either delay the inspection for a better agreement or seek another inspection firm. It was the consensus of the Commissioners to look for another firm for the inspection of the Danville property.

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IN THE MATTER OF EMPLOYEE LIFE INSURANCE

Mike Graham stated he has been approached by Liberty National Insurance Company about selling term insurance to County employees and explained some of the benefits they offer. He inquired if this is something Ron Love, Human Resources Director, and he should continue to investigate. It was the consensus of the Commissioners to not pursue services offered by Liberty National Insurance Company at this time.

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IN THE MATTER OF ENGINEERING

John Ayers stated he plans to meet with the representatives of the Crawfordsville District of INDOT to discuss projects that could meet the qualifications to be funded if another stimulus package was offered.

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IN THE MATTER OF CSX CROSS BUCKS

John Ayers referenced a recent letter from CSX relative to posting stop and yield signs on the cross bucks at railroad crossings and explained the railroad responsibility and the County responsibility on signage at railroad crossings.

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IN THE MATTER OF COURTHOUSE SECURITY

Receipt was acknowledged of a written plan from Sheriff Dave Galloway for Courthouse security. John Ayers explained all four exterior doors at the Courthouse will be replaced and they will change from the current key lock to a key card system. He further stated the doors will be funded from Cume Cap. There was discussion of the key card system tracking and the availability to employees. It was the consensus of the Commissioners for Mike Graham and John Ayers to contact the judges and request their comments on the Sheriff's plan for Courthouse security.

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IN THE MATTER OF METROPOLITAN PLANNING ORGANIZATION (MPO)

John Ayers explained Hendricks County has two representatives on the Metropolitan Planning Organization (MPO) as he sits on the Technical Committee and Lesa Ternet is on the Policy Committee. He stated the MPO is requesting an alternate to each of these committees and recommended that Jim Andrews, Assistant County Engineer, be the alternate to the Technical Committee and for Don Reitz, Planning Director, be the alternate to the Policy Committee. It was the consensus of the Commissioners for John Ayers and Jim Andrews to serve as member and alternate on the Technical Committee and for Lesa Ternet and Don Reitz to represent Hendricks

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IN THE MATTER OF B&O TRAIL

John Ayers presented the evaluated proposals received for Construction Inspection on the B&O Trail:

1. Crossroad Engineers
2. DLZ
3. Parsons Cunningham and Shartle

Mr. Ayers requested to forward all information to INDOT Crawfordsville for their approval of Crossroad Engineers as the first choice and to then enter negotiations with them. Commissioner Palmer moved to select Crossroad Engineers to do the construction inspection for the B&O Trail. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF STORAGE

John Ayers reported they will start demolition of the storage building at the East Campus this week and that everything should be removed from the building. It was noted a claim had been received for rental space at a commercial storage facility for the storage of some County property and it would be funded from the rent line in the Commissioners' budget.

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IN THE MATTER OF HIGHWAY SNOW REMOVAL

Commissioner Wathen requested John Ayers to look at some of the new snow and ice removal products available for County roads and discussed some of the various options now being offered.

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IN THE MATTER OF AUDITOR'S OFFICE

Receipt was acknowledged of a report from the Auditor's office they are having problems with their fax and a service call from CopyCo estimated repair at \$139.95. It was noted this fax is a small home-office fax and not equipped for the heavy number of fax reports received in the Auditor's Office. A check with CopyCo found they have a refurbished heavy duty fax that can be purchased for \$685 that is of the same type purchased for offices at the Courthouse. Commissioner Wathen moved to approve the purchase of a refurbished fax from CopyCo in the amount of \$685 for the Auditor's Office. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF COMMUNITY CORRECTIONS ADVISORY BOARD

Receipt was acknowledged of the January 15, 2010 letter from Circuit Court Judge Boles requesting consideration of Ben Neureiter, juvenile probation officer, for the position as a member of the Community Corrections Advisory Board. There was discussion of the four lay appointees of the Commissioners. It was the consensus of the Commissioners to continue the appointments to the Community Corrections Advisory Board to the February 2, 2010 meeting.

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IN THE MATTER OF PROLIANCE ENERGY

Mike Graham stated the agreement with ProLiance Energy for Reduction of Jail and Government Center Vectren bill is not ready and requested this be continued in order for Attorney Greg Steuerwald to review the contract. It was the consensus of the Commissioners to continue the ProLiance Energy agreement to the February 2, 2010 meeting

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IN THE MATTER OF TAX RATES

Auditor Cinda Kattau reported the required public hearing was held for the new tax rates and there were no

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taxpayers in attendance.

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IN THE MATTER OF CAPITAL IMPROVEMENT BOARD (CIB)

Commissioner Palmer reported the new Capital Improvement Board (CIB) appointee from the donut counties had sent a report of the CIB meeting to representatives from the donut counties to keep them informed.

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IN THE MATTER OF COMMISSIONERS' DISTRICT MEETING

Commissioner Whicker commended Commissioner Palmer on her conducting the District County Commissioners' meeting and felt it was a model for other districts to follow.

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IN THE MATTER OF FACILITIES MANAGER

Mike Graham stated Ron Love, Human Resources Director, had emailed the job description for the Facilities Manager and asked if the Commissioners had any comments. Commissioner Palmer stated she had responded and that her comment had been incorporated in the job description. It was the consensus of the Commissioners to approve the job description and advertise for the Facilities Manager.

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IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

- a. INDOT, "Jobs Bill for Main Street Act of 2010" possible funding for additional highway and infrastructure.
- b. Cummins Mental health Board of Directors Meeting Announcement, Thursday, January 28, 2010, Board Conference Room, Avon, IN, 6:30 p.m.
- c. CSX, Indiana Passive Crossings Project, Crossbuck Assembly with a YIELD or STOP sign on the Crossbuck Sign Support.
- d. Insurance Services Office, Inc. (ISO) is responsible for evaluating all jurisdictions that have a building code enforcement department. Information has been sent to Don Reitz.
- e. Sheriff Dave Galloway report on Courthouse security.

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

1. Checks received and signed to the county:       None
2. Whicker signed vehicle titles for the following:
  - a. 2007 Dodge Charger               Sheriffs Department
  - b. 2006 Trailer                        Surveyors Department
3. Documents needing action:
  - a. Cincinnati Companies       Bond Release               Travis Kennard
  - b. Cincinnati Companies       Bond                         Donald C. Torrence, Jail Deputy for Hendricks  
County Sheriff's Department

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IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for January 5 thru January 15, 2010 from James McBryant, Cypress Manor Administrator.

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IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the January 18 to January 22, 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 January 19 to January 22, 2010 from Martin Summers, Highway Superintendent.

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Commissioner Palmer moved to adjourn the Commissioners' meeting at 11:34 AM. Commissioner Wathen

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

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

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Phyllis A. Palmer, Member

