

February 23, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, February 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)	
Tyler Starkey		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
Nancy L. Marsh		Hendricks County Treasurer
David Galloway		Hendricks County Sheriff
John Ayers		Hendricks County Engineer
Dr. David Hadley		Hendricks County Health Director
Michael E. Graham		Administrator to Commissioners
Don Reitz		Hendricks County Planning Director
Cathy Grindstaff		Hendricks County Director Environmental Health
Ron Love		Hendricks County Human Resources Director
Judith Wyeth		Secretary to the Commissioners

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

IN THE MATTER OF MINUTES

Commissioner Wathen moved to approve the minutes of the February 16, 2010 meeting, as corrected.

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

IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Claims #203376 thru 203391 and #203459 thru 203477, as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Mike Graham reported we have received the easements and they have been recorded for the water line at Exit 59.

IN THE MATTER OF RESOLUTION 10-03
EXIT 59 TIF FOR KITE PROPERTY

Commissioner Wathen reported on a meeting he and Mike Graham attended on Friday, February 19, 2010 with representatives of Paul Kite and Barnes & Thornburg to discuss the TIF District for Kite's 70 West Commerce Park, located on the Kite property at Exit 59. Attorney Bruce Donaldson, Barnes & Thornburg presented a reimbursement resolution with Exhibit A for the Kite TIF and stated this resolution helps Kite in putting together their financing for development at Exit 59. He explained before acting on the resolution, the Commissioners will need to agree on the terms of the TIF financing and explained that Greg Guerrettaz has prepared two options for the Kite TIF. Mr. Donaldson stated the Commissioners have already agreed to the basic perimeters but not the amount to be used by Kite and presented the two options for consideration. Commissioner Wathen explained the negotiating to pay for infrastructure at this site and stated the Indiana Economic Development Corporation has provided a grant, Hendricks County is paying for the water line and INDOT is providing a turn lane on SR 39 at Exit 59. Commissioner Whicker read the Resolution of the Board of Commissioners of Hendricks County Declaring an Official Intent to Reimburse Expenditures in the amount of \$2,300,000 and referenced Exhibit A, listing the projects covered by this resolution. Mr. Donaldson also stated the \$2,300,000 was a compromise between the two options. Commissioner Wathen moved to approve Resolution No. 10-03 declaring an official intent to reimburse expenditures for the 70 West Commerce Park

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

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers presented draft letters to Congressman Steve Buyer and Senator Richard Lugar expressing appreciation for their support of the Ronald Reagan Parkway and asking for their consideration of the FY11 Hendricks County appropriations request for the Ronald Reagan Parkway. Mr. Ayers stated Hendricks County had made application for a Tiger Grant for this project, however, he had been notified Hendricks County was not awarded a Tiger Grant. There was discussion of the letters. Commissioner Wathen moved to sign the letters to Congressman Buyer and Senator Lugar requesting FY11 appropriations for the Ronald Reagan Parkway, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SHERIFF VEHICLES

Sheriff David Galloway asked for the Commissioners to support his request to buy 15 new vehicles. He stated two of the vehicles would be replacing vehicles that were totaled in accidents and with the insurance settlement and an additional appropriation these replacement vehicles will cost the County \$17,235. Sheriff Galloway explained that another vehicle is a van and except for \$4,603 it will be paid for by a grant while the other 12 vehicles are to replace some of the aging fleet. He also stated of the 12 replacement cars 10 will be converted into patrol cars and two will be unmarked cars used to serve papers or for detective work. He was requesting the Commissioners' support when he goes to the Council for the additional appropriation at their March 11, 2010 meeting. There was discussion the Commissioners and Council need to talk at the next joint meeting about funding replacement vehicles. Terry Kennard, Sheriff's Department, explained the need for \$334,995 to replace 15 vehicles in the aging fleet and the return on vehicles that are sent to auction. Commissioner Wathen moved to send a letter of recommendation to the Council to fund the replacement of two vehicles and a van for the amount difference between the purchase price and the insurance settlement and grant. Mr. Kennard clarified this would include making the vehicles "road ready". Auditor Cinda Kattau stated Sheriff Galloway's request for additional appropriations had been advertised for consideration at the next Council meeting. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Sheriff Galloway commended the Highway crew on the good job they have done all winter on keeping the roads cleared of snow.

IN THE MATTER OF KAYLEE SHERRILL

Commissioner Whicker recognized Kaylee Sherrill of Brownsburg for her Hats of Hope program she started when she knit a hat for her grandmother who lost her hair during chemotherapy and complained her head was cold. Ms. Sherrill started her Hats of Hope is to knit hats for other cancer survivors who have lost their hair during chemotherapy and that others have joined her to knit over 1,000 hats. She stated she hopes this Hats for Hope program will become a nationwide effort. Commissioner Palmer, a member of the Recognition Committee, presented Miss Sherrill with a certificate for "Citizen Making a Difference in Hendricks County"

and stated a brass nameplate will be engraved with her name and placed on the large plaque in the Government Center for Citizens Making a Difference. Ms. Sherrill introduced her Mother. Commissioner Palmer introduced the other members of the Recognition Committee: Ron Love, Human Resources Director; Nancy Marsh, Treasurer; John Ayers, County Engineer; and Mike Graham, Administrator to the Commissioners.

IN THE MATTER OF LINK

Pat Cockrum, Director Sycamore Services, presented an agreement with Indiana Department of Transportation Section 5311 Grant Agreement for the 2009 American Recovery and Reinvestment Act (ARRA) and the Office of Transit that has been approved for TIER 1 in the amount of \$568,917 for LINK Hendricks County. Mr. Cockrum stated these funds would be used to build a large garage to house their LINK fleet. He explained this is a federally funded grant requiring no matching funds and will be at no cost to the County. Commissioner Palmer moved to approve the agreement with INDOT for LINK Hendricks County and authorize the President to sign the agreement on behalf of the Commissioners. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

Beth Ann Leach, Director Senior Services, presented the TESCO (Transportation Equipment Sales Corporation) for delivery of three Ford vans for LINK that are being purchased through the Federal Transit Act and are required to pass through the Commissioners as they hold the title. She also presented a lease agreement for these vehicles between the Commissioners and LINK Hendricks County and stated Greg Steuerwald has reviewed both documents. Commissioner Palmer moved to approve the vehicle lease agreement and the 1964 Federal Transit Act for Pass Through of Vehicles 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.

Beth Ann Leach reported LINK Hendricks County now has nine riders from the Hendricks County Work Release Center.

IN THE MATTER OF HEARTLAND CROSSING

Bruce Donaldson, Barnes & Thornburg, presented the refinanced bonds for Heartland Crossing that were originally approved in 2000 by the Redevelopment Commission with a Letter of Credit with Huntington Bank along with documents that require the signatures of the Commissioners and the Redevelopment Commission. He explained on November 4, 2009 the Redevelopment Commission approved restructuring the Heartland Crossing bonds and this was approved on November 10, 2009 by the Hendricks County Board of Commissioners. Mr. Donaldson stated with the help of Stern Brothers Company these bonds were sold last week by the Indiana Bond Bank for 6.2% and presented the documents for execution. He stated Harold Hiser, President of the Redevelopment Commission, and Linda Watson Stansbury, Secretary of the Redevelopment Commission, are present today to sign a portion of the documents on behalf of the Redevelopment Commission. Commissioner Wathen moved to approve and sign the documents for sale of the bonds for Heartland Crossing, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2010 – 06
ZA 401/10 MADISON SQUARE PARK

Don Reitz presented ZA-401/10: Madison Square Park, a zoning amendment change from AGR/Agriculture Residential District to LI/Light Industrial District for 2.372 acres, located north of US Hwy 136 and west of CR 150E in Middle Township, and stated this request for a zoning amendment is to bring this property into compliance. He stated the Plan Commission held a public hearing for this zoning request on February 9, 2010 and comes with a favorable recommendation of 5-0-0. Commissioner Wathen reported on the remonstrators at the public hearing, their concerns and stated the Plan Commission approval was with conditions of a buffer of yard plantings being added and that outdoor storage may only occur on a maximum of 5% of the parcel area, or approximately 5,230 square feet. Commissioner Palmer moved to approve ZA-401/10 for Madison Square Park, as recommended by the Plan Commission, as Ordinance No. 2010-06. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2010-07
ZA-402-40 CHRISTOPHER R. WELLS

Don Reitz presented ZA-402/10: Christopher R. Wells, a zoning amendment change from LI/Light Industrial to GB/General Business District for 1.64 acres, located on the south side of CR 251S, east of CR 1050E and southeast of the intersection of US Hwy 40 and CR 1050E in Washington Township. He stated the Plan Commission held a public hearing for this zoning request on February 9, 2010 and comes with a favorable recommendation of 5-0-0. Mr. Reitz explained this request is to bring this property into compliance. He also stated this property is adjacent to the Town of Plainfield and this GB/General Business zoning classification is compatible with the zoning for the Town of Plainfield. Commissioner Palmer moved to approve ZA-402/10 for Christopher R. Wells as recommended by the Plan Commission as Ordinance No. 2010-07. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2010-08
HENDRICKS COUNTY FOOD ORDINANCE

Commissioner Whicker announced a public hearing has been duly advertised for the Health Department Food Ordinance for 9:30 AM and it was now 10:22 AM. Commissioner Whicker opened the public hearing and asked if anyone in the audience had any comments. There were none. Commissioner Palmer moved to close the public hearing for the Food Ordinance. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. Cathy Grindstaff explained the only change in the Health Department Food Ordinance was the addition of policy regarding farmers markets. Krista Glick, Environmental Health Department, reported some comments they had received from food vendors relative to these changes for farmers markets. Commissioner Wathen moved to approve the Hendricks County Food Ordinance as Ordinance No. 2010-08, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2010-09
HENDRICKS COUNTY TATTOO, PIERCING AND BODY MODIFICATION

Commissioner Whicker announced a public hearing had been duly advertised for the Hendricks County

Tattoo, Piercing and Body Modification Ordinance. He opened the public hearing and asked if anyone in the audience had any comment. Sandra Pierce, Joy A Total Body Care Saloon in Avon, inquired if this ordinance would prevent individuals operating out of their homes and doing tattoos and body piercing illegally. Cathy Grindstaff explained this ordinance was not to limit individuals or prevent individuals who choose to obtain tattoos and body piercings, but rather to make these choices to be safe for them. Ms. Grindstaff stated that a definition of “Mobile Establishments” was added to bring them in to healthy and safe operations. She also stated they plan to allow adequate time for education and outreach by the Health Department before implementation of the new permit requirements. Commissioner Wathen moved to close the public hearing for the Tattoo, Piercing and Body Modification Ordinance. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Cathy Grindstaff explained the restrictions and guidelines in this ordinance and that it was to regulate mobile establishments in Hendricks County. Commissioner Wathen moved to approve and adopt the Hendricks County Tattoo, Piercing and Body Modification as Ordinance 2010-09. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2010 -10
 HENDRICKS COUNTY BOARD OF HEALTH ORDINANCE
 FOR COLLECTION OF FEES

Commissioner Whicker announced a public hearing has been duly advertised for the Health Department Fee Ordinance for 9:30 AM. He opened the public hearing and asked if anyone in the audience had any comment. There was no public comment. Commissioner Palmer moved to close the public hearing for the Fee Ordinance. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. Cathy Grindstaff explained this fee ordinance contains no increases in existing fees, but adds the following fees:

- | | |
|---|--|
| Late Renewal Fee | \$ 50.00 per application |
| Late Application Fee | \$ 25.00 per application |
| <i>There was already a late application fee for temporaries and, this now applies to all annual permits</i> | |
| Bed and Breakfast Establishments | \$ 50.00 per year |
| Farmer’s Market Vendor (no Potentially Hazardous Food) | \$ 25.00 per year at one location
(maximum \$ 75.00 per year) |
| Farmer’s Market Vendor (with Potentially Hazardous Food) | \$ 75.00 per year at one location
(maximum \$225.00 per year) |
| <i>Body Modification fees were added:</i> | |
| Fixed or mobile facility | \$ 50.00 per booth/station per year
\$250.00 per year maximum |
| Issued after June 30 (to December 31 | Half of annual fee |
| Temporary Tattoo | \$ 75.00 plus \$50.00 per booth set up |
| Late Renewal Fee | \$ 50.00 |

Commissioner Palmer moved to approve the Hendricks County Board of Health Ordinance for Collection of Fees as Ordinance No. 2010-10, as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ANIMAL CONTROL

Merrily Niles, Hendricks County Humane Society, read the mission statement of the Hendricks County Humane Society and summarized the history of their involvement with animal care and concerns in Hendricks County since 1974.

Rick Myers, former Commissioner, added comments on the care of animals and the involvement of various animal agencies.

Sherry Fox, concerned citizen, reported the Humane Society does not want to take over the animal control facility, but they do want to work together and that she as a concerned citizen who wants to educate the public and make the animal control facility a better place for animals.

Rena Hahn, Brownsburg, explained she has previously volunteered in other animal facilities and has offered to volunteer in Hendricks County to help more animals be adopted, however, was not permitted to do so. She explained there is a new group called Concerned Citizens that meet and are working to establish a Pet Finder on the internet to help find homes for animals, at no cost to the County.

Mike Graham reported that in response to a request at a previous Commissioners' meeting from Aaron Lifford that on February 18, 2010 he, Mary Anne Lewis and Sharon Tyler of the Animal Shelter met with Aaron Lifford and Beatrice Tate of the Humane Society. He stated Mr. Lifford had more than 13 direct questions regarding the operation of the Shelter and Ms. Lewis answered their questions. Mr. Graham stated their priority items were; 1. Establish an Advisory Board, 2. Establish a volunteer program and 3. Develop a more aggressive adoption campaign through the internet. Mr. Graham stated he told them it would take two weeks to respond to their request. Commissioner Palmer requested each Commissioner to provide a list of suggestions for the structure and ideas for membership for an advisory board.

Mike Graham reported Doug Morris, Systems Administrator, has looked into alternative funding to pay for six new Animal Control computers and stated Mary Anne Lewis has proposed to use the animal shelter Donation Fund. He stated there are no established accounts for replacing computers. Custom and practice has been computer replacements are paid for by the individual departments and would need to go through the normal budget procedures, however, the last replacement computers purchased for Animal Control were paid from the Donation Fund and verified there are no existing alternative funding sources. Commissioner Wathen moved to purchase a computer for each van and fund from the Donations Fund. Commissioner Palmer seconded the motion. There was discussion of the number of computers requested and the number of vans. Commissioner Wathen withdrew his motion. Commissioner Palmer withdrew her second. It was the consensus of the Commissioners for Mike Graham to check with Mary Anne Lewis as to why the request for six computers when she only has four road vehicles

IN THE MATTER OF COURT HOUSE SECURITY

Mike Graham reported we have received the comments and recommendations from the Judges regarding Court House security and stated there needs to be some adjustments based upon their comments. He stated he has asked John Ayres to finalize the plan and develop a timeline in cooperation with the Sheriff. Mr. Graham explained after the plan and timeline are completed someone needs to talk to Judges Boles and Larry Hesson before implementation. There was discussion of the time frame or order of sequence to implement a security

plan and the budget.

IN THE MATTER OF EMPLOYEE HEALTH INSURANCE

Mike Graham reported Jeff Fox, H. J. Spier Company, has recommended a change to the Health Insurance Committee for transplant services that rather than handling transplants under the current insurance program it has been determined that we should have a separate insurance policy. He stated the Insurance Committee has authorized the use of Zurich Transplant Services with this change effective January 1, 2010, however, the policy has not yet been signed by the County. Commissioner Wathen moved to sign the Zurich policy to allow for the transplant services to be added to the County employee health insurance policy. Commissioner Palmer seconded the motion. There was discussion of the cost of the policy, transplants and the history of transplants. Commissioner Wathen withdrew his motion. Commissioner Palmer withdrew her second. There was discussion of the need for a transplant policy and the additional premium. Commissioner Whicker moved to sign the agreement with Zurich Transplant Services adding organ transplants to the County employee health insurance. Commissioner Palmer seconded the motion and the motion was approved 2-1-0 with Commissioners Whicker and Palmer voting aye and Commissioner Wathen voting nay.

IN THE MATTER OF DANVILLE PROPERTY

Mike Graham presented an inspection proposal from J&T Consulting for building inspection of the Danville Old Town Hall property on the west side of the square in the amount of \$2,980.00. He explained the proposal includes the cost of additional services if we determine there is a need. There was discussion of the proposal and the services included. It was the consensus of the Commissioners to obtain more information on this proposal and to bring back other proposals for consideration.

IN THE MATTER OF B&O TRAIL

John Ayers reported the bid letting for the B&O Trail has been moved to March 2010 due to some errors at INDOT regarding questions from bidders. .

IN THE MATTER OF BRIDGE NO. 272

John Ayers explained Bridge No. 272, located on CR 500W over the CSX tracks, is an historic bridge and explained signs that are required to be posted on both sides of the bridge to determine if anyone would want this bridge.

IN THE MATTER OF CULVERT NO. FR-001 AND FR-059

John Ayers gave an update on the construction of Culvert No. FR-001, located on CR 700S over an open ditch, and Culvert FR 059, located on CR 450W over an open ditch. He stated CMT (Crawford Murphy and Tilley) has submitted an increase in their contract for inspection fees for a total of \$9,000. It was the consensus of the Commissioners for John Ayers to have the inspector for CMT to attend a Commissioners' meeting to explain this increase.

IN THE MATTER OF VEHICLE MAINTENANCE

Mike Graham stated they will be doing all routine maintenance on all County vehicles in-house in the Sheriff's garage area, however, he has been advised the Animal Control vans are too heavy for the existing lift in the garage area. He stated he will check on this matter.

IN THE MATTER OF PROCLAMATION FOR BRIGHT HOUSE NETWORK

Receipt was acknowledged of an email from Susie Friend, Director United Way, to request the proclamation for Bright House Networks' Day be continued to March 2, 2010 as she plans to bring some recipients of this program to the meeting. She also requested the official day to be March 15, 2010. It was the consensus of the Commissioners to continue the Bright House Network Proclamation to March 2, 2010.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. IDEM, Office of Air Quality, Notice of Decision-Approval, Rieth Riley Construction
2. IDEM, Office of Air Quality, Portable Source Relocation Letter, Rieth Riley Construction.
3. IDEM, Office of Air Quality, Notice of Decision: Approval-Effective Immediately, Harlan Bakeries, Inc.
4. IDEM, Solid Waste Permits Section, Office of Land Quality, Town of North Salem, permit renewal to land apply wastewater treatment bio-solids.
5. IDEM, Office of Water Quality, Drinking Water Branch, Application Assembly of God Inc., Application for Water Supply.
6. Cummins Mental Health Board of Directors Meeting Announcement, Thursday, February 25, 2010, Board Conference Room, Avon, IN, 6:30 p.m.
7. Hoosier Heartland RC&D Council meeting, Monday, March 1, 2010, 6:00 p.m., MCL Restaurant, 3630 South East Street, Indianapolis, IN.
8. Indiana 811 Annual meeting, Wednesday, March 10, 2010, 9:00 a.m., Valley Vista Conference Center, Greenwood, IN.
9. Insurance Services Office, Inc. will be meeting with Don Reitz on Tuesday, March 2, 2010 at 9:00 a.m. to go over the Building Code Effectiveness Grading Schedule (BCEGS).

Action needed/taken on the following:

1. Checks received and signed to the county:

a. Governmental Insurance Exchange	\$2,981.55	Vehicle Damage
b. Comcast Financial Agency Corporation	\$7,315.12	Franchise Fee
c. The Cincinnati Insurance Company	\$3,200.00	Snow Plow Damage
d. Governmental insurance Exchange	\$1,255.28	Vehicle Damage

2. Whicker signed vehicle titles for the following: None

3. Documents needing action:
 - a. None
 - b. Cincinnati Companies Bond Release for Martin Summers

IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the February 15, 2010 Weights and Measures Report from Charles Colbert, Weights and Measures Inspector.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the February 8 thru February 19, 2010 Human Resources report from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for February 15 to February 19, 2010 from Curt Higginbotham, Highway Superintendent.

John Ayers noted Mr. Higginbotham commented on the report we have purchased 83.6% of annual budgeted amount for calcium chloride as of February 19, 2010. Mr. Higginbotham stated he felt we have a sufficient amount on hand and will not need to purchase any additional. He also stated due to snow removal they have

used a considerable amount of overtime.

Commissioner Wathen moved to adjourn the Commissioners' meeting at 11:40 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

David A. Whicker, President

Eric L. Wathen, Vice President

Phyllis A. Palmer, Member

ATTEST: _____
Judith Wyeth, Deputy Auditor
