

April 7, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, April 7, 2009, with a quorum of 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)	
Phyllis A. Palmer)	Hendricks County Board of Commissioners
Eric L. Wathen)	
Gregory E. Steuerwald		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
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 March 17, 2009, as corrected. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Wathen moved to approve the minutes of March 24, 2009, as corrected. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Wathen moved to approve Claims #192968 thru 192976, #192988 thru 192997, #193353 thru 193374, #192998 thru 193329, #193175 thru 193391, #092615 thru 092759 and direct deposit #047407 thru 047808 as advertised. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Commissioner Whicker announced Valenti-Held has started construction of the sewers at Exit 59 and that some pipe is now in the ground.

Commissioner Wathen stated we should know very soon if the prospective developer for Exit 59 has decided to develop here in Hendricks County or in Ohio.

Commissioner Wathen stated there will be discussion of the Kite Memorandum of Understanding (MOU) for Exit 59, and other economic development issues at Exit 59 and the Ronald Reagan Parkway during the workshop at 11:30 AM today.

John Ayers questioned the transfer of property between Hendricks County and the Regional Sewer District for the wetlands mitigation. The Commissioners requested Mr. Ayers to check with Attorney Greg Steuerwald on the transfer of this parcel.

John Ayers reported that Lauth Developers have started the final paving the interior road on their property at Exit 59 and are doing some erosion control work.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers advised he will meet with representative from the Metropolitan Planning Organization (MPO) on Thursday, April 9, 2009 to discuss the Federal stimulus money.

Commissioner Whicker stated there continues to be interest from developers for proposed projects on Ronald Reagan Parkway and I-74.

John Ayers presented, for execution by the Commissioners, the Title Sheet for INDOT for the portion of the Ronald Reagan Parkway from US 36 and CR 100S.

Receipt was acknowledged of the March 15, 2009 Appian Report for activities pertaining to the Ronald Reagan Parkway.

IN THE MATTER OF JUDICIAL STUDY

John Ayers stated the Judicial Study Advisory Committee made their third site visit to the Decatur County judicial center in Greensburg Indiana last week and further advised they will have their next Advisory Committee meeting on Thursday, April 9, 2009 at 7:00 PM. Steve Craney, Banning Engineering, stated the tours of the existing judicial center/facilities were all good as they offered a variety of concepts and structures. Hr also stated the Committee will tour the Hendricks County Courthouse before their meeting on Thursday. Mr. Craney stated the National State Courts Association will do an analysis of our existing court system.

IN THE MATTER OF JIM AND NANCY ENGLISH – NOISE ORDINANCE

Jim and Nancy English, 3491 E CR 350S in Liberty Township, came forward to request enforcement of the noise ordinance, Ordinance No. 2000-31, regarding firearms being discharged in their residential neighborhood for noise and safety issues. Mr. English explained they had contacted the Sheriff's Department and were advised that they were unable to enforce the ordinance. It was the consensus of the Commissioners to check and see if this ordinance had been rescinded and how it may be enforced. They also advised Mr. and Mrs. English this could be a civil matter and they may need to contact an attorney.

IN THE MATTER OF HOMELAND SECURITY QUESTIONNAIRE

Dan Smith, 10915 N CR 550E, Pittsboro, stated he is employed by the Washington Township Fire Department and is taking a continuing education class that requires a research paper. His research paper is on developing an emergency plan using multiple public safety agencies and the proposed consolidation of townships into the

County. Mr. Smith requested to conduct an on line survey on consolidation and to send this questionnaire to County employees and elected officials in both the towns and County Government. Commissioner Palmer clarified this online survey/questionnaire would be stated this is a voluntary program. Commissioner Palmer moved to approve the request of Mr. Smith to send a survey to Hendricks County employees to help with understanding the effects of any future consolidation on first responders. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF HENDRICKS COUNTY CONVENTION AND VISITOR'S BUREAU

Emory Lencke, Executive Director Hendricks County Convention and Visitor's Bureau, presented their annual report for 2008 and explained how they had been affected by the economy. Mr. Lencke advised two new hotels are currently under construction in Hendricks County with a Best Western in Plainfield, at the former site of a Wendy's, and of a Fairfield Inn and Suites located near the Walmart in Avon. Both of these hotels plan to open this summer and will add 160 – 180 new rooms in Hendricks County. He also advised a La Quinta hotel has plans to start construction this summer in Plainfield with opening later this year. Mr. Lencke stated the Innkeeper's Tax in Hendricks County is 8%, however, the room rates in Hendricks County are lower than room rates in any of the other donut counties.

IN THE MATTER OF WHEEL TAX BONDS

Bruce Donaldson, Barnes & Thornburg, advised they took bids for the Wheel Tax Bonds, Hendricks County, Indiana Transportation Revenue Bond, for reconstruction of 56th Street (CR 600S) and received bids from City Securities Corporation and J. J. B. Hilliard, W. L. Lyons, LLC, with Hilliard being the lowest bid received. They plan to have the closing for these bonds on April 8, 2009. Mr. Donaldson recommended accepting the sale of the bonds and executing the documents that were previously emailed to the Commissioners for their review and further stated these documents have been reviewed by County Attorney Greg Steuerwald. He also stated the rating for Hendricks County had been upgraded and attributed this upgrade to the very successful rating trip of several elected officials to Chicago this spring. Commissioner Wathen moved to accept the sale of the Wheel Tax Bonds for reconstruction/improvements of 56th Street and to execute the documents, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF MULTI-HAZARD MITIGATION PLAN

Mike Graham explained the Federal Disaster Mitigation Act of 2000 requires each community to develop a Multi-

Hazard Mitigation Plan and stated for several months, a group of staff members from the County and the Towns have worked with a consultant, Christopher B. Burke Engineering, to develop a Hendricks County plan. He stated the plan maintenance requires this planning group on an annual basis to monitor, evaluate, and update the plan and the Federal Emergency Management Agency requires the County to resubmit the plan every five years. Mr. Graham advised this is the first plan put together for Hendricks County, the planning group has finished their work and a draft plan has been completed. He presented a copy of the executive summary and stated the current speculation is that the Commissioners will be asked to adopt the plan sometime around July 4, 2009. It was the consensus of the Commissioners to review this report.

IN THE MATTER OF ENGINEERING – VEHICLE

Mike Graham stated John Ayers current vehicle, a 2002 Ford Explorer with 98,000 miles is falling apart as he has just received an estimate from Indy Tire in the amount of \$1,639.26 for repairs. Mr. Graham requested the Commissioners to authorize the expenditure of \$23,800 to purchase an in-stock Dodge Durango SUV. Commissioner Wathen moved to purchase a new Dodge Durango SUV for the County Engineer for \$23,800. Commissioner Whicker seconded the motion. Commissioner Palmer stated she would vote for this replacement vehicle, but it would be the last one she would vote for until the Fleet Committee meets. The motion was approved unanimously 3-0-0. It was the consensus of the Commissioners for Commissioner Palmer and Mike Graham to set up a meeting of the Fleet Committee.

IN THE MATTER OF WORKSHOP

Mike Graham stated there are two important items that need to be discussed at the 11:30 AM workshop today. The first item is to discuss the Memorandum of Understanding (MOU) with Kite and stressed a principle established by the Commissioners was to not allow Kite to use all the TIF revenue and to leave some tax revenue for the other taxing units. The percentage of how much money would be dedicated to help pay for the Kite infrastructure improvements is either 80% or 90% of TIF revenues and emphasized that Kite wants the 90%. The second item is the question of whether or not some of the EDIT funds should be used to pay for installation of sewers along the Ronald Reagan Parkway. Greg Guerrettaz, Financial Solutions Group, has stated that it would truly be an appropriate use for the EDIT funds to help pay for sewers because it would directly stimulate economic development in the County. It was noted the workshop had been duly advertised on the regular Commissioners' meeting agenda.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham stated Mary Ann Lewis, Chief Animal Control officer, has a potential challenge with the Humane Society as the adoption rates on Saturdays have been low. The Center has been open on four Saturdays with only three adoptions. He presented the March 18, 2009 letter from Mark Vickery, President Hendricks County Humane Society making an offer of providing free spay/neuter surgery and two vaccinations for all pets adopted on Saturdays, however, Ms. Lewis has stated there are some problems with the Humane Society's offer. Sometimes when spay/neuter surgeries take place there may be complications with additional charges and the question becomes who pays the difference. Also, when the fee is no longer free the customer is going to come back to Animal Control because the information about the free spay/neuter will be distributed at the animal control facility. Mr. Graham stated Ms. Lewis feels the offer should be extended to all adoptions regardless of the day of the week. There was discussion of the offer from the Humane Society. It was the consensus of the Commissioners for Ms. Lewis, as Chief Animal Control Officer, to work out this matter with the Humane Society.

Commissioner Wathen moved to recess the Commissioners' meeting at 10:30 AM for the Tech Board. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker opened the Tech Board at 10:31 AM

IN THE MATTER OF TECH BOARD

Commissioner Whicker announced that Systems Administrator, John Parsons, had stated there was nothing to bring before the Tech Board this morning.

Commissioner Palmer moved to adjourn the Tech Board at 10:32 AM. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker reconvened the Commissioners' meeting at 10:33 AM.

IN THE MATTER OF GOVERNMENT CENTER AND COURTHOUSE – LANDSCAPE

Receipt was acknowledged of a request from Elvin Cassity, Custodial Superintendent, to purchase mulch to use in landscaping around the various County buildings. It was noted that last year \$1,700 was approved to do the Courthouse and Government Center and this year Mr. Cassity is asking to also mulch around the buildings located at the Hendricks County Government East Campus. In previous years this was funded from the Special Contracts line in the Commissioners' budget. There was discussion of the buildings to landscape at the Government East Campus. Commissioner Palmer moved to authorize Mr. Cassity to purchase mulch to landscape the Courthouse, Government Center and the Hendricks County Government East Campus. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF FURNITURE

Receipt was acknowledged of a request from Debbie Weddle, Clerk's Office, to purchase one of the old chairs that were recently replaced in the Clerk's Office. It was the consensus of the Commissioners for John Ayers to check the condition of these chairs and report back if they have any value.

IN THE MATTER OF HENDRICKS COUNTY GOVERNMENT EAST CAMPUS ROAD

John Ayers presented a proposed alignment for the new road at the Hendricks County Government East Campus and requested to move forward to establish this new road and explained it will provide access to the work release center and the animal control facility and will align with Terry Kirtley Drive, located on the north side of Main Street. Mr. Ayers advised this road can be funded from the bond balance and Cum Cap. Mike Graham stated we need to make plans for alternate storage for the items currently stored in the Expo Hall. Commissioner Wathen requested a comparison of concrete and asphalt be made for this road. Commissioner Palmer moved to approve and move forward with the new road at the Hendricks County Government East Campus. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0. The Commissioners requested John Ayers to talk with Sheriff Galloway regarding the items they have stored in the Expo Hall.

John Ayers presented an agreement with United Consulting in the amount of \$220,000 for design of the new road at the Hendricks County Government East Campus. Steve Craney, Banning Engineering, requested for Banning Engineering to be considered as a part of the engineering design. Commissioner Palmer moved to approve the agreement for design fee with United Consulting in the amount of \$220,000, for the new road at Hendricks County Government East Campus, as presented by the County Engineer. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF GOVERNMENT CENTER - CARPET REPLACEMENT

John Ayers presented a Notice to Bidders for carpet replacement in the Government Center and requested to advertise for a bid opening on May 5, 2009. Commissioner Wathen moved to advertise the Notice to Bidders for replacement carpet in the Government Center for bid opening on May 5, 2009, as requested by the County Engineer. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

John Ayers stated the carpet replacement is on the agenda for the Wage Committee Hearing on April 13, 2009.

IN THE MATTER OF CONSERVATION CLUB DAM

John Ayers presented the draft report from Banning Engineering for reconstruction of the Conservation Club dam. It was the consensus of the Commissioners to review this document and bring back at a later date.

IN THE MATTER OF COURTHOUSE - CHILLER

John Ayers reported the bids received for the chiller at the Courthouse at the previous meeting had been reviewed and AMS was the lowest bid, however, they have now advised they have a chiller in stock that is larger than the one in the bid and have advised they can install this larger chiller much quicker for a increased amount than originally stated. Attorney Greg Steuerwald reviewed the change and advised it would be a few hundred dollars more. Mr. Ayers advised having this chiller installed quicker would be more timely due to the upcoming summer season. It was the consensus of the Commissioners for John Ayers to talk to representatives of AMS and request them to lower the price on the larger chiller and bring back to the next meeting.

IN THE MATTER OF COURTHOUSE - DOORS

John Ayers reported they are having problems with the exterior doors at the Courthouse completely closing, which is leaving the building unsecured. He stated they are looking at either changing the hardware on the exterior doors or changing the exterior doors. There was discussion of the security procedures at the Courthouse and of the discussion the Commissioners have had with Sheriff Galloway on the security issues. There was also discussion of replacing the existing locks with card access. John Ayers will check on this matter and report back.

IN THE MATTER OF REX PIPELINE

John Ayers advised that Rex Pipeline is working on pipe line installation in Hendricks County and that some County roads have been damaged during the installation. He further advised he plans to talk with Rex Pipeline on repair of these roads.

IN THE MATTER OF TILDEN TERRACE

John Ayers stated the Tilden Terrace Drainage Project is listed on the agenda for the Wage Committee Hearing scheduled for Monday, April 13, 2009 and they will then be ready to start this project to resolve drainage problems in this area.

IN THE MATTER OF GENE AND JAN WIGGAM

Receipt was acknowledged of a letter from Gene and Jan Wiggam regarding CR 450 N road repairs. It was the consensus of the Commissioners to refer this letter to John Ayers, County Engineer, and Martin Summers, Highway Superintendent, to review and resolve.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. IDEM, Solid Waste Permits Section, Insignificant Modification Proposal, Twin Bridges Recycling and Disposal Facility, Danville, IN.
2. IDEM, Solid Waste Permits Section, Public Notice for CAFO NPDES Permit Renewals in Adams County, Indiana.
3. Cummins Behavioral Health Systems, Inc., Board of Directors Annual Planning Retreat, Nashville, IN, April 3-4, 2009, Brown County Inn, Nashville, IN.
4. IDEM, Office of Water Quality, Facility Construction Section has received a sewer permit application from Mr. Carlos Pedrazza, SEACORP for the Koger subdivision in Stilesville, IN
IDEM, Office of Air Quality, permits Branch, Notice of Approval-Effective immediately for Milestone Contractors, LP

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

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the March 30, to April 3, 2009 Highway report from Martin Summer, Highway Superintendent.

IN THE MATTER OF LINCOLN TOWNSHIP - GUIDELINES

Receipt was acknowledged of the 2009 Gross Income Guidelines for Lincoln Township, from Donovan Peoples, Trustee.

IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the March 15, 2009 monthly Weights and Measures report from Charles Colbert, Inspector.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the March 23 through March 27, 2009 Human Resources report from Ron Love, Human Resources Director.

IN THE MATTER OF BLOOD DRAW

Commissioner Whicker acknowledged twelve employees stepped up to give blood and ten were accepted during the quarterly employee blood draw on Thursday, April 2, 2009 at the Government Center south parking lot.

IN THE MATTER OF COURT INTERPRETER GRANT

Receipt was acknowledged of a copy of letter from Judge David H. Coleman Superior Court 2, to Chief Justice of the Indiana Supreme Court, Randall T. Shepard, with "Application for Court Interpreter Grant".

IN THE MATTER OF ORA ADAMS HOUSE

Receipt was acknowledged of the March 17, 2009 letter from DNR regarding application of the Ora Adams House, located at 301-303 E. Main Street, Danville, to the National Register of Historic Places.

IN THE MATTER OF ENVIRONMENTAL HEALTH

Receipt was acknowledged of a letter delivered by Cathy Grindstaff, Director Environmental Health from Toastmasters International recognizing her employee, Ginger Vargas, Environmental Health, for successfully completing the first section of the Toastmasters International communication program. This is a continuing education program that Ginger is working on during her own time.

Commissioner Wathen moved to adjourn the Commissioners' meeting at 11:10 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

David A. Whicker, President

Phyllis A. Palmer, Vice President

Eric L. Wathen, Member

ATTEST: _____
Judith Wyeth, Deputy Auditor
