

May 5, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, May 5, 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
Nancy L. Marsh		Hendricks County Treasurer
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Dr. David Hadley		Hendricks County Health Director
Cathy Grindstaff		Hendricks County Environmental Health Director
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 Palmer moved to approve the minutes of April 28, 2009 as corrected. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Wathen moved to approve Claims # 193949 thru 193972, #194337 thru 194171, #193176 thru,194297 and #194430 thru 194425 as advertised. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF STATE OF INDIANA REPORT ON
CONDITION OF SCHOOL FUNDS

Commissioner Whicker announced receipt of the Annual Report of the Board of Commissioners of Hendricks County to the State Superintendent of Public Instruction for the year ending April 30, 2009 for the Condition of School Funds. Commissioner Whicker read the report indicating the amount in the treasury on April 30, 2009 for this account was "0". He also stated this certificate had been signed by Auditor Cinda Kattau and Treasurer Nancy L. Marsh and needs the signature of the President of the Commissioners. Commissioner Wathen moved to approve the State of Indiana School Report of Condition of School Funds, as presented and to execute the agreement. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Commissioner Whicker stated Lauth Development has declared bankruptcy, however, he stated at this time we are not sure how this will affect their project at Exit 59.

Mike Graham requested to continue the consideration of the Memorandum of Understanding (MOU) with Kite

on their proposed project at Exit 59. Commissioner Wathen advised he had met yesterday with representatives of Kite to resolve some language in the MOU and will meet again with them later today. It was the consensus of the Commissioners to continue the Kite MOU until May 12, 2009.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers advised they are working on the Ronald Reagan Parkway south of US 36 to CR 100S and plan on the August bid letting. He also stated they are working on obtaining the necessary permits for this portion of the Parkway. John Ayers advised they went through the State Selection process for Construction Inspection and presented the rankings as follows:

American Structurepoint	DLZ
Beam, Longest and Neff	USI Consultants
Butler, Fairman and Seifert	Crawford Murphy & Tilly
Crossroads Engineers	URS Corporation
AECOM	Schneider Corporation

Commissioner Wathen reported American Structurepoint ranked first and explained work American Structurepoint has done for Hendricks County. Commissioner Wathen moved to send this rating schedule to INDOT stating the selection of American Structurepoint Inc. (ASI) as the highest ranking firm. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

John Ayers advised of several issues they were having with the CSX railroad on the Ronald Reagan Parkway and advised they are working with the railroad representatives to resolve these issues.

John Ayers stated the contractor on the Ronald Reagan Parkway south of US 40 had sprayed and fertilized the median of the Ronald Reagan Parkway over the weekend to try and solve the grass problem.

IN THE MATTER OF JUDICIAL CENTER

John Ayers advised there was nothing new to report on the judicial center.

IN THE MATTER OF B&O TRAIL

John Ayers reported some language issues in the purchase agreement with CSX and the quit claim deed had not been resolved and the signing of the B&O Trail purchase agreement should be continued to the May 12, 2009 meeting. Mr. Ayers advised he had met with INDOT regarding construction of a section of the B&O Trail and was advised it must be ready to go to bid by the end of the year and explained the process, permits and requirements. He further advised the B&O Trails requires the design of two bridge structures in this section of the trail. To speed up the process it would be good to start this design work now. There was discussion of partnering the B&O Trails

with the Parks Department. It was the consensus of the Commissioners for Mike Graham to meet with Park Superintendent, Bill Roche, to discuss working with the B&O Trails project.

IN THE MATTER OF POLE BARN LOCATED ON CR 1050E

John Ayers acknowledged receipt of two bids last week for removal of the pole barn located on CR 1050 E and recommended the bid be awarded to R. P. Myers for \$1,000, as that was the highest bid received. Commissioner Wathen moved to accept the bid of \$1,000 from Richard P. Myers for the County owned pole barn located on CR 1050 E and to award the bid to Mr. Myers. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF VACATION OF STREET IN NORTH SALEM

Attorney Ben Comer presented a request of George and Peggy Ford to vacate a street in the Town of North Salem and presented the signed Affidavit of Written Notification for Right-of-Way Vacation on behalf of Mr. and Mrs. Ford along with Exhibit A, legal description as follows:

Legal description for vacation of certain unnamed right-of-way, as established on the plat of Melissa P. Hypes Addition to the Town of North Salem, Hendricks County, Indiana, as per plat thereof recorded June 3, 1896 in Plat Book 2, Page 112 in the office of the Recorder of Hendricks County, Indiana, said right-of-way being more particularly described as follows, to-wit:

Beginning at the Southeast corner of Lot 4 in Block 3 of Melissa P. Hypes Addition to the Town of North Salem, Hendricks County Indiana, as per plat thereof recorded June 3, 1896 in Plat Book 2, Page 112 in the office of the Recorder of Hendricks County, Indiana (the "Subdivision"); running thence South forth (40) feet to the Northeast corner of Lot 1 in Block 4 of the Subdivision; thence West on and along the North line of said Lot 1, one hundred twenty (120) feet on the Northwest corner of said Lot 1; thence North forty (40) feet of the Southwest corner of Lot 4 in Block 3 of the Subdivision; thence East on and along the South line of said Lot 4, one hundred twenty (120) feet to Southeast corner of said Lot 4, being the Point of Beginning.

Mr. Comer advised the petitioners make a commitment to deed 40 feet of even width off of and across the south side of said Lot 1 to the Town of North Salem in exchange for the vacation of the current right-of-way as described in Exhibit A. He further stated the Town of North Salem supports this request by letter dated April 8, 2009 and presented the fully signed Property Inspection Release. Attorney Greg Steuerwald stated the documents provided legally meet all requirements and requested both deeds be recorded. Mr. Comer stated these two documents will be recorded at the same time. Commissioner Palmer moved to approve the street vacation in the Town of North Salem, as described by Mr. Comer for Mr. and Mrs. Ford, on the condition the above stated commitment of deeding 40 feet of even width off of and across the south side of said Lot 1 to the Town of North Salem in exchange for the vacation of the current right-of-way as described in Exhibit A is also recorded. Commissioner Wathen seconded the motion

and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EMPLOYEE HEALTH INSURANCE

Jeff Fox, H. J. Spier Company, presented the Hendricks County Government Group Health Plan with total plan costs for 2001 through 2008 and explained. Mr. Fox presented two amendments to the plan and advised these amendments had been approved by the Council earlier this month: Amendment One (1) Eligibility, Enrollment and Termination of Coverage; and Amendment Two (2) Eligibility for Family and Medical Leave Act (FMLA). Ron Love explained these two changes to the employee health policy. Commissioner Palmer moved to approve Amendment No. 1 to the employee health insurance plan. Commissioner Whicker seconded the motion. There was discussion of the insurance issues and the board responsible for insurance issues. Mike Graham explained the make-up of the Insurance Committee. Commissioner Palmer withdrew her motion. Commissioner Whicker withdrew his second. Commissioner Palmer moved to table any action on the employee health insurance and to discuss with Council during the joint meeting on May 14, 2009. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. It was the consensus of the Commissioners to add these two amendments for employee health insurance to the agenda for the May 14, 2009 joint meeting.

Commissioner Palmer moved to recess the Commissioners' meeting at 10:42 AM for the Tech Board. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker opened the Tech Board at 10:43 AM.

TECH BOARD

Commissioner Whicker announced he had received word from John Parsons, Systems Administrator, they had nothing to bring before the Tech Board today.

Commissioner Wathen moved to adjourn the Tech Board at 10:44 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker reconvened the Commissioners' meeting at 10:45 AM.

WISHES TO BE HEARD – FARMERS MARKET

Dr. Charles Thomas, Chateau Winery, requested consideration from the Health Department regarding fees required for temporary food stands for each event. Dr. Thomas explained he is planning to host a weekly Farmers Market at his Winery in Plainfield and stated he has 37 vendors expressing an interest with several of them planning to serve food samples, however, the weekly fee of \$25 per vendor is discouraging and he may not be able to host this event. Cathy Grindstaff explained she had spoken with the Market Master, planner of this event for Mr. Thomas, and they were working to have all of the food vendors under one tent with a \$25 charge each week for the entire tent with

the cost being shared by all the vendors participating in the tent. She explained the fee was to cover the inspection by the Health Department in establishing clean and sanitary conditions in the interest of the health and safety of our citizens attending these events. Dr. Thomas said that the proposal outlined by Ms. Grindstaff would be fine. It was the consensus of the Commissioners for Dr. Thomas to continue working with the Health Department on this issue.

IN THE MATTER OF TREASURER'S OFFICE

Treasurer Nancy Marsh presented an agreement with Government Payment Services, Inc. that would permit the Treasurer's office to accept credit cards at the counter in her office in payment of property taxes. She explained they need a third party to provide this service. Commissioner Palmer moved to adopt the agreement No. INO42809 Hendricks County Commissioners 01, for the Treasurer's Office to accept credit cards in payment of property taxes 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.

Treasurer Nancy Marsh explained a problem with tax bills that are not paid to the exact penny, stating the State requires all tax bills to be paid to the exact penny, and if they are not, the State requires the Treasurer to re-bill for the amount owed and issue a \$5 late fee regardless of the amount. She stated in order to not upset the taxpayers the Treasurer has reached into to her own pocket to cover some of these minor payment mistakes. Ms. Marsh stated she has looked at this problem and she could solve the problem with \$225, which would enable any payment mistake ranging from 1 cent to \$4.99 could be paid out of an account rather than re-billing. This would save significant dollars in processing and mailing the paperwork needed to correct the problem. She further stated there are a total of 144 payments with mistakes less than \$5.00 and of these 144 mistakes there are 72 payments with errors less than 99 cents. Mike Graham stated the Commissioners have an inactive vending machine account # 237 with a balance of \$8,469 that could be used to clear the tax records. Commissioner Palmer moved to allow the Treasurer's Office \$225 from account No. 237 to pay unpaid tax bills of less than \$4.99. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Treasurer Nancy Marsh advised the property tax deadline would be September 10 and November 10, 2009.

IN THE MATTER OF ORDINANCE NO. 2009-11
ORDINANCE FOR MAXIMUM SPEED LIMITS ON
CR 1050E FROM CR 700S TO CR 800S

Commissioner Whicker stated a Public Hearing has been duly advertised for an Ordinance to establish a Speed Limit on CR 1050E from CR 700S to CR 800S and opened the public hearing to establish a speed limit on CR 1050E

from CR 700S to CR 800S. John Ayers presented a request initiated by Larry Ryan, who resides on CR 1050E. Mr. Ryan stated this request is due to the number of speeders on this road and since there is no speed limit for this portion of the roadway asks that the county establish one. Mr. Ayers presented the April 1, 2009 Traffic Study conducted by the Engineering Department with the recommendation that although the 85th percentile suggests a 50 mph speed limit, due to the poor condition of the road and speeds that will only increase when the road is re-surfaced, he recommended that a 40mh speed limit be established. There was no public comment. Commissioner Whicker closed the public hearing for this request. Commissioner Whicker moved to adopt a 40 mph speed limit for CR 1050E from CR 700S to CR 800S, as recommended by the County Engineer, as Ordinance No. 2009-11.

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

IN THE MATTER OF ORDINANCE NO. 2009-12
ORDINANCE FOR MAXIMUM SPEED LIMITS ON
CR 900/925N FROM SR 39 TO CR 75E

Commissioner Whicker stated a Public Hearing has been duly advertised for an Ordinance to establish a Speed Limit on CR 900/925N, from SR 39 to CR 75E and opened the public hearing to establish a speed limit on CR 900/925N from SR 39 to CR 75E. John Ayers presented this request stating that due to the hill which promotes higher speeds when eastbound on CR 900N, limited sight distance concerns, and a sharp change in alignment due to turns in the roadway there were concerns for a reduced speed limit. Mr. Ayers presented the March 25, 2009 Traffic Study conducted by the Engineering Department with the recommendation the existing 50 mph speed limit for this road be lowered to 40 mph. There was no public comment. Commissioner Whicker closed the public hearing for this request. Commissioner Whicker moved to approve the reduction of the speed limit for CR 900/925N from SR 39 to CR 75E, from 50 mph to 40 mph, as recommended by the County Engineer, as Ordinance No. 2009-12.

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

IN THE MATTER OF ORDINANCE NO. 2009-13
ORDINANCE FOR MAXIMUM SPEED LIMITS ON
VALLEY VISTA DRIVE IN VALLEY VISTA ESTATES

Commissioner Whicker stated a Public Hearing has been duly advertised for an Ordinance to establish a Speed Limit on Valley Vista Drive in Valley Vista Estates and opened the public hearing for a speed limit on Valley Vista Drive in Valley Vista Estates. John Ayers presented the results of a test drive using the Slope meter to determine a safe curve speed and the validity of the 30 mph speed limit in Valley Vista Estates it was determined that due to the

gradual descending slope of Valley Vista Drive, the continuing development of Valley Vista Estates, and the high speeds possible, Valley Vista Drive should be re-posted with a 20-mph speed limit. There was no public input. Commissioner Whicker closed the public hearing. Commissioner Whicker moved to approve the reduction of the speed limit on Valley Vista Drive in Valley Vista Estates from 30 mph to 20 mph, as recommended by the County Engineer, as Ordinance No. 2009-13. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CYPRESS MANOR

Mike Graham presented a request from Judy White, Center Township Trustee, to admit John Clark Erskin as a resident in Cypress Manor. Mr. Graham relayed a brief history of this resident from James McBryant, Cypress Manor Administrator, and advised this individual will be a temporary resident only staying about three months and will contribute 25% of his salary to Cypress Manor. Commissioner Palmer moved to approve this individual as a temporary resident in Cypress Manor, as recommended by the Cypress Manor Administrator. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Mike Graham reported that according to James McBryant the State Law requires the Commissioners to visit the County Home four times a year, however, the Commissioners have usually just visited the home once a year. He inquired when the Commissioners want to set up a visit for this year? It as the consensus of the Commissioners for Mike Graham to work with James McBryant to establish a date for the Commissioners to visit Cypress Manor.

IN THE MATTER OF EDIT POLICY

Mike Graham presented a draft of the proposed EDIT Policy which reflects the changes made at the last meeting and explained these changes. There was discussion about adjusting the proposed policy to cover water service and other infrastructure items as we are facing a problem at Exit 59 where Lauth was to pay for extending the water service and it may not be possible for them to do so in a timely manner. Mr. Graham stressed it may be necessary for the County to pay for the water extension. It was the consensus of the Commissioners to make these additional changes to the EDIT Policy and bring back next week.

IN THE MATTER OF JAIL – VISITATION

Mike Graham reported that with the potential for problems with the H1N1 flu virus the Sheriff has put into place a “no visitation” policy at the Hendricks County Jail. He stated other jails throughout the country are implementing similar visitation restrictions.

IN THE MATTER OF CLERMONT HEIGHTS

Mike Graham reported he is in receipt of a complaint from the Surveyor's staff regarding drainage problems inside Clermont Heights and because the Clermont Heights drainage system is not a legal drain the complaint falls into limbo. He stated drainage issues in Clermont Heights are a long standing problem and we currently have no solution. It was the consensus of the Commissioners to take the Clermont Heights drainage problems under advisement.

IN THE MATTER OF SOUTH RIDGE DRAINAGE ISSUES – LARRY MITCHELL

John Ayers reported on drainage issues in South Ridge that was brought before the Commissioners by Larry Mitchell on April 21, 2009. Mr. Ayers gave a brief history of the problem and presented a map of the area. Mr. Ayers explained the pipe that was recently installed and stated all street and inlets are in place and are working. He further stated that replacing another pipe and opening up an enclosed ditch could help alleviate some of the drainage issues. It was the consensus of the Commissioners to install the new pipe in this area, as recommended by the County Engineer, subject to the engineer's discussion with Mr. Mitchell.

IN THE MATTER OF BRIDGE INSPECTION BOOK

John Ayers reported he had received the new 2008 Bridge Inspection Book and would be bringing a copy to the Commissioners' office.

IN THE MATTER OF ROAD PAVING

John Ayers advised he, Martin Summers, Highway Superintendent, and Jerry Sparks, Assistant Highway Superintendent, are working on paving for this year and they have received a report from Milestone recommending a change in paving that would be a savings to the County. He stated he has requested a letter from Milestone on the Recycled Asphalt Pavement content of this paving mix. It was the consensus of the Commissioners for John Ayers to further investigate this mix content for paving of County roads.

IN THE MATTER OF GOVERNMENT CENTER - CARPET REPLACEMENT

John Ayers advised he had contacted the only bidder that had expressed an interest in the carpet replacement in the Government Center and explained that due to confusion in the language of the notice they were going to re-advertise bids for carpet replacement in the Government Center. Commissioner Wathen moved to terminate the bid notice for replacement of carpet in the Government Center and not accept any bids as we will start the bid process over. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Mr. Ayers presented a new revised Notice to Bidders for replacement of carpet in the Government Center to be legally

advertised and requested to advertise the bids to be opened June 9, 2009. It was the consensus of the Commissioners to re-advertise the Notice to Bidders for the Government Center carpet replacement for June 9, 2009 bid opening.

IN THE MATTER OF BRIDGE NO. 127

John Ayers presented the April 30, 2009 letter from INDOT advising we had been awarded \$868,000 in Federal Highway Administration Bridge funds for replacement of Bridge No. 127, located north of Amo on CR 475 W. Mr. Ayers stated these Federal funds will cover 80% of this bridge project and the County will fund the remaining 20% from cum bridge funds.

IN THE MATTER OF BRIDGE NO. 272

John Ayers explained the replacement process for Bridge No. 272, located on CR 550W over the CSX tracks, as this is listed as a historic bridge, however, it is a reinforced concrete girder bridge that is in dire need of replacement. It was the consensus of the Commissioners that this bridge needs to be replaced. Mr. Ayers presented a contract with USI for the survey, preliminary design and environmental study for this bridge in the amount of \$85,700. Commissioner Wathen moved to approve and sign the contract with USI for survey, preliminary design and environmental study in the amount of \$85,700 for Bridge No. 272 on CR 550W over the CSX tracks. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence: None

Action needed/taken on the following:

1. Checks received and signed to the county:
 - a. Embarq Management Company \$1,286.84 E911 Surcharge
2. Whicker signed vehicle titles for the following:
 - a. 2008 Ford Crown Victoria Sheriffs' Department
3. Documents needing action: None

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the April 27 to May 1, 2009 Highway report from Martin Summers, Highway Superintendent.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the April 27 through May 1, 2009 Human Resources report from Ron Love, Human Resources Director.

IN THE MATTER OF ANIMAL CONTROL

Receipt was acknowledged of the April 28, 2009 letter to Mary Anne Lewis, Chief Animal Control Officer, from Wendy Smith, President Hendricks County Humane Society, advising of their plan to advertise a rebate to those who adopt a pet from the Hendricks County Animal Control/Shelter during the months of May and June 2009. The letter stated this rebate will only be between the adopters and the Hendricks County Humane Society, relieving the Animal Control staff of any time consuming tasks that may take away from regular procedures during the adoption process. The Hendricks County Humane Society will provide flyers promoting this rebate. Mike Graham stated he had talked with Ms. Lewis and she is agreeable with this adoption plan.

IN THE MATTER OF AIRPORT

Commissioner Whicker announced they had received an invitation from Al Bennett, Member of Indianapolis Airport Authority, to meet at 1:30 PM at the Gordon Graham Field to be introduced to John Clark, Chief Executive Officer Indianapolis Airport Authority. Commissioners Whicker and Palmer indicated they planned to attend.

IN THE MATTER CONSERVATION CLUB DAM

Receipt was acknowledged of the April 24, 2009 letter from DNR advising the Division of Water has received a copy of the second biennial inspection report for the Conservation Club Dam.

Mike Graham reported that Dennis Dawes, Hendricks Regional Health CEO, has given assurance the Hospital is still interested in buying some surplus County property north of the Highway garage and they have now retained a surveyor to make a recommendation on the amount and the configuration of the property they may buy. Mr. Graham stated they will contact us after they receive a recommendation.

Greg Steuerwald advised the Conservation Club has breached their contract by not maintaining the Conservation Club Dam and he will need to continue to study this issue.

IN THE MATTER OF COMMUNICATIONS CENTER

Commissioner Whicker announced the Hendricks County Communications Center has an evaluation team on site this week and they are in the process of certifying the center for an accreditation.

IN THE MATTER OF EMERGENCY MANAGEMENT COUNCIL

Commissioner Wathen stated he and Councilman Jay Puckett met to discuss the Emergency Management Council. He stated they recommend the Emergency Management Council should consist of a Commissioner, a Council Member, the Sheriff, a representative from the Police Association, a representative of the Firemen Association, a

representative from Hendricks Regional Health, a representative from the big towns, a representative from the smaller towns and the Emergency Management Director for a nine member board.

IN THE MATTER OF SENIOR SERVICES

It was acknowledged that Beth Ann Leach, Senior Services, hand delivered an invitation to each of the Commissioners for a Strengths, Weaknesses, Opportunities and Threats Workshop on Wednesday, May 13, 2009 in Indianapolis, hosted by the Central Indiana Regional Transportation Authority.

Commissioner Palmer moved to adjourn the Commissioners' meeting at 11:50 AM. Commissioner Wathen 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