

September 1, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, September 1, 2009, 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)	
Phyllis A. Palmer)	Hendricks County Board of Commissioners
Eric L. Wathen)	
Gregory E. Steuerwald		Hendricks County Attorney
David L. Gaston		Hendricks County Surveyor
Paul T. Hardin		Hendricks County Recorder
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Judith Wyeth		Secretary to the Commissioners

NOTE: Auditor Cinda Kattau was ill and did not attend this meeting.

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 August 25, 2009 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 # 197775 thru 197790, #197825 thru 198085, #094160 thru 094283 and Direct Deposit #051789 thru 052175, as submitted. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Commissioner Wathen stated they are still talking with a potential developer at Exit 59 and this developer will come before the next Plan Commission meeting on September 8, 2009.

Commissioner Wathen advised the sewers at Exit 59 are still on target and are almost completed.

John Ayers stated the Lauth interior road on their property at Exit 59 is now complete.

Cinda Kelley, Executive Director Economic Development Partnership, explained another type of bond authorized under the Recovery Zone program that would allow a community to issue a bond for public improvements that will benefit economic development. She stated the maximum allocation to Hendricks County is \$5,942,000 and named several possible uses on these funds for development at Exit 59 including the Center Line project. Ms. Kelley stressed this needs to be looked at as a broader and bigger project for the entire area and not just one developer. There was discussion of the possible uses of these funds. It was the consensus of the Commissioners to not use this funding for the Center Line project at Exit 59.

IN THE MATTER OF ORDINANCE 2009-21
AMENDED DRAINAGE BOARD UNIFORM FEE SCHEDULE AND
EROSION CONTROL UNIFORM FEE SCHEDULE

Commissioner Whicker stated a public hearing for the Amended Drainage Board Uniform Fee Schedule and Erosion Control Uniform Fee Schedule has been duly advertised for 9:30 AM on September 1, 2009 and it was now 9:45 AM. He opened the public hearing for this draft ordinance and stated this ordinance had previously been approved by the Drainage Board and the Drainage Board had referred this ordinance to the Commissioners for adoption. Surveyor David Gaston explained approval of this ordinance allows for an expedited permit. He is requesting the ability to issue an expedited permit for the drainage permit at a cost of \$75. The expedited

permit is modeled from the Plan Commission permits. Mr. Gaston stated there are no other changes in this ordinance. Commissioner Whicker closed the public hearing at 9:48 AM. Commissioner Wathen moved to adopt the Amended Drainage Board Uniform Fee Schedule and Erosion Control Uniform Fee Schedule as Ordinance No. 2009-21, effective at time of adoption. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers presented a contract with the Indiana Department of Transportation (INDOT) and Hendricks County for the Ronald Reagan Parkway. Commissioner Wathen moved to approve and sign the INDOT contract, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

John Ayers reported he will attend a meeting on Thursday, September 3, 2009 with representatives from the Brownsburg Town Council and INDOT relative to the proposed SR 267 and Ronald Reagan Parkway swap.

John Ayers explained the responses to the Request for Proposals (RFP) for the Ronald Reagan Parkway from CR 100S to CR 200S are being reviewed and he will bring a recommendation to the September 8, 2009 meeting.

John Ayers explained costs to add storm sewers on the Ronald Reagan Parkway from CR 300N to SR 136. It was the consensus of the Commissioners to leave the design for this portion of the parkway as originally designed.

IN THE MATTER OF JUDICIAL CENTER

John Ayers stated there are two upcoming meetings of the Advisory Committee for the judicial center with the fourth meeting to be held on October 15, 2009 and the fifth meeting will be November 5, 2009.

IN THE MATTER OF CR "0"

Don Allen, 345 West CR 1000 South, Clayton, IN, reported that a section of CR "0" south of US 40 where the pipeline was recently installed has been washed away and the road has eroded to where a portion of the east lane of CR "0" has eroded away and now only one lane is usable for traffic. John Ayers stated he is negotiating with REX Pipeline on repair of the County Roads and will drive down this road to evaluate the damage. He further stated if it appears this is a safety issue that may require the Highway Department to make an emergency repair for a short time and then work with REX Pipeline on permanent repair at a later date.

IN THE MATTER OF CR 100N AND US 36

Commissioner Palmer questioned the repair of the Ronald Reagan Parkway between CR 100N to US 36. John Ayers stated they plan to resurface this road within the next couple of weeks.

IN THE MATTER OF CHATEAU THOMAS WINERY – REFUND

Mike Graham reference a request presented last week to consider a refund to Chateau Thomas for their Temporary Food Permit and the Commissioners' request for additional information. He stated the Chateau Thomas permit was a special permit given to them by the Health Department and the Health Department staff was being helpful as Chateau Thomas asked for one temporary food permit for a tent for a Farmer's Market that would house 4 to 6 vendors. This would save each vendor from having to get their own permit and Chateau

Thomas would provide all the sanitary equipment to meet the Heath Department requirements. Mr. Graham further advised the Farmer's Market did not work for the Chateau Thomas Winery and they gave up the project. He stated they originally paid \$425 for 17 events, however, since it has not worked out for them they are requesting a refund of \$250 for the last ten planned farmer markets. He also stated the policy developed by the Health Department states no refunds. Commissioner Wathen moved to approve the refund of \$250 to Chateau Thomas for their advance permit. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ENERGY GRANT

Mike Graham advised we are working with the Energy Department to secure a \$546,900 energy grant and as a part of the Energy Department requirements they have asked for us to identify a chain of command and to identify five people to fill in the Energy Department's chain of command requirements and presented the following:

- A. Head of Organization – is the management official of the County who establishes the authority for the organization to use ASAP.gov (Automated Standard Application for Payments). The head has the authority to designate, approve, and reject any Officials.
- B. Re-delegated Head of Organization – can act on behalf of the Head of Organization to designate, approve, or reject additional Authorizing Officials, Financial Officials, and Points of Contact. The Re-Delegated Head of Organization cannot approve additional Re-Delegated Heads of Organization.
- C. Authorizing Official – is the person who will be asked to complete the Recipient Organization's basic information and designate users (i.e. payment requestors and inquirers) who will need access to ASAP.gov.
- D. Financial Official – is the person responsible for accurately defining the bank account(s) for the recipient organization to which payments drawn from ASAP.gov will be deposited.
- E. Point of Contact – Is the person who will define and update the recipient organization officials designated by the Head of Organization.

Commissioner Wathen moved to appoint for the Energy Chain of Command David Whicker as Head of Organization, Mike Graham as Re-Delegated Head of Organization, John Ayers as Authorized Official, Nancy Marsh as Financial Official and Jim Andrews as Point of Contact. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DANVILLE PROPERTIES

Mike Graham advised he has talked to Gary Eakin, Danville Town Manager, about the possibility of using the old Town Hall for the Prosecutor's Office and stated the Town of Danville is seeking rental of the property versus the original proposal by the County. He stated the estimated value of the building in 2007 was \$450,000 - \$465,000. Mr. Graham stated there is an immediate need to address the overcrowding of the Prosecutor's Office and the small court room for Superior Court # 5. There was discussion of the space available in the building, funding, uses, long range planning and possible rental agreement. Mr. Graham will continue to work with the Town of Danville on this property.

Mike Graham explained the Danville Town Council is looking at increasing the number of public parking spaces for the downtown area, which would require the purchase of additional property and it is the belief of some individuals the County should be responsible to help fund some of the increase in parking because we do not provide sufficient parking for the employees of the Court House. It was the consensus of the

Commissioners for the County to not participate in the acquisition of any parking spaces in the Town of Danville.

IN THE MATTER OF COURT HOUSE

Mike Graham explained we have received feedback from some of the elected officials at the Court House relative to the needs of the Court House and recommended to send a memo to the elected officials and department heads at the Court House outlining the items the Commissioners are working on for the Court House. He presented a draft memo for their consideration. It was the consensus of the Commissioners to sign and send the memo regarding the Court House, as presented.

IN THE MATTER OF RECOVERY ZONE BOND

Mike Graham referenced that during the August 25, 2009 Commissioners' meeting there was discussion of the authorization of the Economic Recovery Zone project for Plainfield and Auditor Cinda Kattau asked if the project was in a TIF district. He stated Rich Carlucci, Plainfield Town Manager, has advised that the project is not in a TIF district.

IN THE MATTER OF FIBER CONNECTION TO COMMUNICATIONS CENTER

Mike Graham advised that for over a year the County staff has been talking to Plainfield about their assessment of \$600 per month to use Plainfield's fiber connection to the Communications Center, which is an assessment the County has not paid. He stated that currently, Plainfield and Hendricks County have fiber connection to the Henry Street fiber center, however, Plainfield wants to charge the County to cover the use of the fiber from Henry Street to the Communications Center and stated we have been talking about it for long time because the County staff has felt the use of the fiber should be extended to the County at no cost because of a number of things we provide Plainfield through the Sheriff's office. Mr. Graham further advised that Plainfield is in the process of setting up a video court for the Town Court and in order to make it functional Plainfield needs to use the County's fiber from Henry Street to Danville. Plainfield now agrees that we can share access to each other's fiber at no charge, however, in the opinion of Plainfield the County should pay for one year of fiber service that we have not paid. This would cover the 12 month period from June of 2008 to June of 2009 at a total cost of \$3,600. There was discussion about the Commissioners decision last week to authorize the use of the Recovery Zone bonds in Plainfield it would seem reasonable for Plainfield to forgive the debt. It was the consensus of the Commissioners for Commissioner Palmer to meet with Plainfield Town officials and resolve this issue.

IN THE MATTER OF TELEPHONE - AT&T CONTRACT

John Ayers advised they had been reviewing the telephone contracts and lines with AT&T. Paul Johnson, Telecommunications Consultant with Paul Johnson Associates, presented three new contracts and explained the addition of one PRI line, increasing the total number of PRI lines to three will provide telephone service to all County buildings. He presented a financial summary showing the recommended changes, which by the reassignment of PRI lines to the various buildings the County would save a considerable amount of money on the three proposed three year contracts. Mr. Johnson stated the two previous contracts had expired

but, he had obtained an agreement with AT&T to continue with the current contract rates until these three renewal contracts were approved and executed. Commissioner Wathen moved to approve the AT&T contracts for Order for ISDN Prime Service under State of Indiana QPA 9796 contract for 355 S. Washington Street in Danville (Government Center) in the amount of \$490.00 monthly; contract for 51 W Main Street in Danville (Courthouse) in the amount of \$490.00; and contract for 925 E. Main Street, Danville (Sheriff's Department and Jail) in the amount of \$490.00, and authorize the President to sign all three contracts on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Wathen moved to recess the Commissioners' meeting for the Tech Board at 10:40 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker opened the Tech Board at 10:41 AM.

IN THE MATTER OF TECH BOARD

Commissioner Whicker opened the Tech Board and reported he had received word from Doug Morris, Systems Administrator, they had nothing to bring before the Tech Board today.

Commissioner Wathen moved to adjourn the Tech Board at 10:42 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker reconvened the Commissioners' meeting at 10:43 AM.

IN THE MATTER OF 56TH STREET

John Ayers presented the Pipeline Alteration Agreement between TE Products Pipeline Company and the County of Hendricks for right-of-way work on 56th Street (CR 600N) in the amount of \$36,000. Commissioner Wathen moved to approve the agreement with TE Products Pipeline Company in the amount of \$36,000 for 56th Street, because we have to and have no other choice and to authorize the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF WHITELICK CREEK - STABILIZATION

John Ayers presented the Assurances Relating to Real Property Acquisition agreement for stream bank stabilization of the Whitelick Creek for assurance to the Natural Resources Conservation Service of the U.S. Department of Agricultural for the Nitu Family – DSR HE 002. Commissioner Wathen moved to approve the Assurances Relating to Real Property Acquisition agreement for the Whitelick Creek stream bank stabilization project 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.

IN THE MATTER OF GOVERNMENT CENTER WINDOWS AND CARPET

John Ayers explained the contractor replacing the windows in the Government Center is adding a second crew in order to complete the installation by the October 15, 2009 deadline. Recorder Paul T. Hardin thanked the Commissioners for the new windows in his office and complimented the contractor's crew on the manner they are working with staff.

John Ayers advised they plan to start replacement of the carpet in the Government Center the third week of September 2009.

IN THE MATTER OF B&O TRAIL

John Ayers gave an update on the purchase agreement for the B&O trail and some new requirement changes

from the Crawfordsville District INDOT. He stated all documents that were initially required have been completed and turned in by the deadline date. Mr. Ayers explained they are now requesting title searches, which had not been previously required, and may require the appraisals to be updated

IN THE MATTER OF MERLIN MARTIN PROPERTY

Commissioner Whicker inquired the status of the County road near the Merlin Martin property that he had requested be declared an abandoned road. John Ayers advised they have sent out notices to the two adjoining property owners on this abandonment.

IN THE MATTER OF BROWNSBURG ANNEXATION OF ROADS

John Ayers reported he is waiting on Brownsburg to provide legal descriptions of the roads they are planning to annex into the Town of Brownsburg.

IN THE MATTER OF BRIDGE NO. 188

John Ayers reported they will have a pre construction meeting next week to discuss Bridge No. 188, located on CR 0 south of US 40.

IN THE MATTER OF TOWNSHIP LINE ROAD

Commissioner Palmer relayed a telephone call from a citizen thanking the County for the new striping on Township Line Road.

IN THE MATTER OF TRI KAPPA FAIR ON THE SQUARE

Receipt was acknowledged of a written request from Constance Baker Phillips, on behalf of Danville Tri Kappa, for use of the Courthouse restrooms and the water spigots at Adult Probation during the 12th annual Tri Kappa Fair on the Square on September 12 and 13, 2009. It was the consensus of the Commissioners to concur with this request for the annual Tri Kappa Fair on the Square.

IN THE MATTER OF CELL PHONES

Receipt was acknowledged of requests for two additional cell phones with Sprint/Nextel. The Highway Department has turned in their on-call pager and is requesting it be replaced with a cell phone and the new Building Maintenance Assistant, in Engineering, also needs a cell phone. It was noted we have extra phones and sufficient minutes in our pool to cover these two lines, however, they will need new numbers at a cost of an additional \$18.75 per line, per month. Commissioner Wathen moved to add the two new cell phones for an additional \$18.75 per month per phone for the Highway and Engineering. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

It was also noted two pagers have been turned in by staff to be cancelled, one for the Highway and one for the Courts. This will reduce the pager line in the budget.

IN THE MATTER OF CHARLES POPE

Commissioner Whicker acknowledged Charles W. Pope passed away over the weekend and that Mr. Pope had been elected to serve as a member of the Hendricks County Council from 1964 through 1987. Flags at County buildings will fly at half-staff on Wednesday, September 3, 2009, the day of his funeral.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. The Department of Interior has notified DNR that the Ora Adams House, 301-303 East Main Street, Danville, IN was entered into the National Register of Historic Places on June 17, 2009.
2. Hamilton Awards nominations for community, volunteer and staff are due September 15, 2009. Nominations may be an individual, group, business or industry that have made outstanding Awards to the cause of mental health.

Action needed/taken on the following:

1. Checks received and signed to the county:
 - a. Governmental Interinsurance Exchange \$500.00 Vehicle Damage
2. Whicker signed vehicle titles for the following:
 - a. 2003 Ford Crown Victoria Sheriff's Department
3. Documents needing action: None

IN THE MATTER OF PROCKUP AND FOREST COMMONS

Attorney Greg Steuerwald reported Hendricks County won the Court Case filed by Ronald Prockup and Brenna Prockup and the Forest Commons Homeowners Association, Inc. against the Hendricks County Area Plan Commission in Hendricks County Superior Court No. 4.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for August 24 to August 28, 2009 from Martin Summers, Highway Superintendent.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the weekly Human Resources report for August 24 to August 28, 2009. from Ron Love, Human Resources Director.

IN THE MATTER OR REDEVELOPMENT COMMISISON

Commissioner Whicker announced the Redevelopment Commission meeting is scheduled for Wednesday, September 2, 2009 at 7:00 PM to discuss Heartland Crossing and the Ronald Reagan Parkway.

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

