

September 11, 2000

The Hendricks County Board of Commissioners met in regular session at 10:55 AM on Monday, September 11, 2000, in the Commissioners’ Meeting Room on the first floor of the Hendricks County Government Center with the following in attendance:

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| John D. Clampitt |) | |
| John A. Daum |) | Hendricks County Board of Commissioners |
| Hursel C Disney |) | |
| Gregory E. Steuerwald | | Hendricks County Attorney |
| Russell Lawson | | Hendricks County Highway Superintendent |
| Walt Reeder | | Hendricks County Plan Commission Director |
| Sharon Dugan | | Hendricks County Clerk |
| Debbie Reeder | | Hendricks County Auditor |
| Cathy Grindstaff | | Hendricks County Environmental Health Director |
| Steve Stoddard | | Hendricks County Sheriff Department |
| Rob Coop | | Hendricks County Assistant Engineer |
| Judith Wyeth | | Secretary to the Commissioners |

IN THE MATTER OF TOUT SCHOOL ESTATES

Ed Schrier requested clarification of the Plan Commission Staff denial of Tout School Estates to establish 24 single-family residential lots on a 33.83 acre parcel located northwest of the intersection of CR 1000 North and 471E and offered self-imposed condition to construct and to chip and seal a cul-de-sac. There was discussion that CR 471E was one of the few roads in Hendricks County that is still gravel and had remained gravel since in the past there was limited use of this road. Greg Steuerwald clarified the request for road improvement to be done, stating that this was an issue before the Plan Commission, if there was approved development that the county would have to pave this road it could be a balancing of responsibility between the developer and county. There was discussion of the county having received money for use to maintain this road and of the safety and should the County improve the road if there was an approved development. It was the consensus of the Commissioners to let the developer go before the Plan Commission at their September 12, meeting and to await their decision.

IN THE MATTER OF HIGHWAY

Russ Lawson advised that the Highway crew is mowing roadsides and that they have sprayed some Canadian thistles on the roadsides. There was a request to spray CR 400S. Joyce McClain, Brown Township Trustee advised that she has given the highway drivers some information for them to us relative to week spraying.

IN THE MATTER OF BRIDGE No. 220

Rob Coop advised that Bernard Lochmueller will start today on Bridge No. 220 and redesign for the Texas railing construction should be completed around Thanksgiving.

IN THE MATTER OF TOWN OF AVON – ROADS

Rob Coop presented information and correspondence for the past four (4) years relative to the County and the Town of Avon road agreement and negotiations, including a list of the proposed projects that Avon submitted that would benefit both Avon and Hendricks County. There was a discussion of these proposed road improvements and of the Interlocal Agreement of November 25, 1996, between the Town of Avon and Hendricks County and that some of these proposed improvements were within the Town of Avon, also of the road and strewed fund and the Highway Department traffic flow. Rob Coop stated that the Engineering Department has been reviewing this list. Commissioner Clampitt moved to work on two (2) projects that are in both Avon and the County, but not projects entirely within the Town of Avon with the County funding one-half, of north-south bound left turn lanes with turn signal at Raceway and US 36, \$4,000 (INDOT to install turn signals if Town/County stripes for turn). Dan Jones/100N engineering and temporary signal, road design analysis for intersection \$7,750 as the county's portion would be ¼ (IONDOT to construct improvements in 2000 if Town/County conduct engineering design). Dan Jones/100N Engineering and temporary signal road design analysis for intersection as ¾ are within the Town of Avon and only ¼ is in the County, as presented. Commissioner Disney seconded the motion and the motion was approved unanimously. 3-0-0. Commissioner Clampitt recommended that the County keep working with the Town of Avon to work on roads.

IN THE MATTER OF SUBDIVISION BOND REVISION - VALLEY VISTA

Walt Reeder requested a release of the performance bond for Valley Vista in favor of a maintenance bond in the amount of \$11,500. Commissioner Clampitt moved, per staff recommendation, for bond revision for Valley Vista as presented. Commissioner Disney seconded the motion and the motion was approved unanimously. 3-0-0

IN THE MATTER OF CARSON FENCE – BELLEVILLE

Rob Coop advised that he had talked with the County Attorney relative to complaints regarding the Carson fence which is in the right-of-way in the Town of Belleville and which is causing a visibility and safety concern and that he had recommended that the fence be removed from the County right-of-way. There was discussion of the width of the right-of-way. Russ Lawson stated that CR 600S is 70 feet with half right-of-way being 35 feet. Mr. Coop requested direction and guidance on this matter that is a safety concern for visibility. Commissioner Clampitt moved to take this matter under consideration and to bring back a recommendation in two (2) weeks. Commissioner Disney

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

IN THE MATTER OF CUM BRIDGE REPORT

Rob Coop presented the Cum Bridge report for 2000. Commissioner Disney requested that Mr. Coop bring back a break down of the Cum Bridge. Mr. Coop later brought back a report of the break down for cum cap.

The meeting recessed for lunch to resume at 1:00 PM

IN THE MATTER OF ZA-239/WA09-03: LEE DEVELOPMENT - MASTEN LAKES

Walt Reeder presented a request for change in zoning classification of ZA-239/WA09-03: Lee Development, Masten Lakes from a R-2: Medium Density, Single Family Residential District to a Planned Unit Development (PUD) stating that this comes from the Plan Commission without a recommendation by a vote of 2-1-1. Lee Comer advised of self-imposed conditions by the developer of 70% of the homes at least 1,300 square feet, with 8 inch overhang, 5 foot set back, 15 feet between buildings reduce the number of lots from 288 to 260, with brick on ranch and 100% brick on front of all 2-story homes except for porch covered area. There was discussion of the PUD requirements verses R-2 standards. Greg Steuerwald explained the options of this zoning amendment as it comes without recommendation to accept as presented and pass, to reject and deny, do nothing for 90 days if denied, amend to Plan Commission within 45 days, or continue within the Commissioners schedule, further stating that the changes are fairly substantial. There was discussion of public input if returned to the Plan Commission as it would be a public hearing. Commissioner Clampitt moved that with the amendments as proposed that to let the people in the area voice their opinion and to send back to the Plan Commission to bring back with a recommendation. Commissioner Disney seconded the motion and the motion was approved unanimously 3-0-0. Greg Steuerwald stated that they have to be on the October 10 Plan Commission Agenda. Walt Reeder clarified that public notice is required and questioned who pays.

IN THE MATTER OF ZA-241/HC00-01: NORTH/SOUTH CORRIDOR DEVELOPMENT

Walt Reeder presented ZA-241/HC00-01 along with the colored map for zoning changes for area of CR 100N to 200N along the proposed North/South Corridor stating that the properties of Betty Young and Marie Alexander were exempt and that the Plan Commission sent this zoning request with a favorable 4-1-1 vote. Commissioner Clampitt read a letter from property owners. Greg Steuerwald relayed the Alexander request to extend property beyond their property that was not owned by them and now in the Plan Commission recommendation.

Mark White, Brownsburg Town Manager, requested clarification of the area.

Commissioner Disney moved to accept the proposed CR 100N to 200N zoning changes, per Plan Commission recommendation, that abuts the North/South Corridor as Ordinance 200-19. Commissioner Clampitt seconded the motion and the motion was approved unanimously. 3-0-0

Walt Reeder explained that the proposed zoning changes for the balance of the property along the North/South Corridor received an unfavorable recommendation of the Plan Commission by a vote of 5-0-1. Commissioner

Clampitt read letters from Hession Farms for 200 acres and from Lacy Farm of 560 acres, requesting to amend the Plan Commission recommendation and to approve the zoning changes as shown on the amended map for these properties. Commissioner Clampitt moved to allow these two (2) farms with acreage as stated in letters presented to change the zoning to include northeast portion of CR 600N and 1000N triangle that should also be a C-3 and that they provide a legal description. Commissioner Disney seconded the motion and the motion was approved unanimously.3-0-0

Kenneth Ewick requested clarification of changes from I-C to residential. Walt Reeder responded.

IN THE MATTER OF LIFE LONG LEARNING CENTER

Deedee Daniel of White Lick Heritage Community Foundation presented a packet of supportive information for the Life Long Learning Center and requested a letter of support of theory or of financial support. Ms. Daniel further advised that they are working with the Secondary Education Committee on this project and that this project would be a cradle to grave education program with several schools offering use of their buildings after school hours, and of the to use the extension office building facilities. There was discussion of this project. Commissioner Clampitt stated that the Government Center is always available. Commissioner Disney moved to go on record that the Commissioners give moral support and to ask the Council for financial support. Commissioner Clampitt seconded the motion and the motion was approved unanimously. 3-0-0

IN THE MATTER OF CLERK - DROP BOX

Sharon Dugan came forward to again request a night drop box at the Courthouse to receive child support payments after working hours. It was the consensus of the Commissioners to stand by their original decision to not grant this request and recommend that she check with the local banks to use their facilities.

IN THE MATTER OF ELECTION POLL WORKERS

Sharon Dugan requested \$8,000 additional funding for poll workers for the fall election and read from the Indiana Code stating that the Commissioners are responsible for funding poll workers. Ms. Dugan stated that this additional funding would permit her to pay the judges and clerks \$70 per day and would greatly help in recruiting poll workers and that she had checked with other counties that this would be the average they are paying. Ms. Dugan advised that this was not in her budget as she had previously planned to continue paying \$45 per day as in the spring election. This amount was not included in her 2001 request as there is no election that year, however, she will include this addition in her 2992 budget. There was discussion that the position of sheriff and assistant clerk have been eliminated in recent years and this had had been a saving on election costs. Commissioner Clampitt moved to allow request of \$8,000 additional for the fall election at \$70 for clerks and judges as requested. Commissioner Disney seconded the motion and the motion was approved unanimously. 3-0-0

IN THE MATTER OF PLANNING – PUD RESOLUTION

Walt Reeder presented draft resolution for Planned Unit Development (PUD) and explained recommendation.

Be it resolved that the Board of Commissioners, in order to allow additional time for the affected Public agencies to develop realistic financial plans to deal with the requirement of this rapid growth, Will not grant approval of any Zoning Amendment request for a Planned Unit Development (PUD) in Brown, Lincoln or Washington Townships that would increase the number of residential units over the number allowed by the current zoning classification of the affected property. Any PUD zoning amendment request must be accompanied by a preliminary plan showing the Number of lots possible on the affected property under its current zoning. Such plan must be in Compliance with the Subdivision Control Ordinance. This resolution shall remain in effect until January 1, 2002, at which time it will be reconsidered.

Lee Comer clarified that this resolution did not affect any pending applications. Commissioner Clampitt moved, per staff recommendation, to approve the PUD Resolution as presented. Commissioner Disney seconded the motion and the motion was approved 2-10- with Commissioners Clampitt and Disney voting aye and Commissioner Daum voting nay. Bill Duncan discussed the rate of growth, taxes, schools, the quality of growth, concerns for lot size and adjoining acreage.

Mark White questioned changes in zoning classification.

Al Rumley expressed concerns for school, quality of homes and requested to reduce the number of houses.

Donna Caruso inquired the need for resolution and to control the number of houses.

Walt Reeder stated that this resolution was in response to a Resolution to the Avon Schools, and comments from Brownsburg and Avon and clarified that this resolution will be force until January 1, 2001, and will be reevaluated at that time.

IN THE MATTER OF PARK BOARD

Bill Harrington, President of the Hendricks County Park Board, advised that they were working on a 5-year plan master plan and requested approval of up to \$10,000 from cum cap toward the purchase of 58+ acres for a county park. Mr. Harrington further explained that Ron Taylor purchased this parcel at public auction for \$148,000 and that Rail Corridor Development Inc. (RCD) paid \$20,000 of this and Heritage \$128,000 and requested funding for the accrued interest. Mr. Taylor will transfer to RCDI in five (5) years as he will do wet lands on a portion of this parcel and that RCDI will then transfer to county. There was discussion of funding through grants to develop.

Commissioner Disney moved to request additional funding from County Council for Special Contracts line.

Commissioner Clampitt seconded the motion and the motion was approved 2-1-0 with Commissioners Disney and Clampitt voting aye and Commissioner Daum voting nay.

IN THE MATTER OF CLAIMS

Commissioner Clampitt moved to approve claims #201676 thru 209169, #210976 thru 201988, #96873 thru 97272 and all manual checks cut for August as presented. Commissioner Disney seconded the motion and the motion was approved unanimously. 3-0-0

IN THE MATTER OF MINUTES

Commissioner Disney moved to approve the minutes of August 28, 2000, with corrections. Commissioner

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

IN THE MATTER OF RENTAL PROPERTY – HOUSES

Orville Woody reported that he had rented the house and garage on South Tennessee Street in Danville for \$550 per month with a two (2) year lease and that he had replaced the carpet in the house.

Orville Woody advised that relative to the rental property at CR 1025E he has had the septic pumped and will seal the well, also that Mr. Simmons of Poindexter Contractors offered \$300 to salvage anything and requested to move the house if the County wanted to sell it. There was discussion of expense of moving the house. Commissioner Clampitt moved to allow Mr. Woody to approach Mr. Simmons to buy the house for \$1,000 and assume all responsibilities. Commissioner Disney seconded the motion and the motion was approved unanimously. 3-0-0 There was discussion of county maintaining the road. Rob Coop advised that it is within the Town of Avon. Mr. Woody stated that he will send a letter to Mr. Simmons.

IN THE MATTER OF LAKE OF LANTERNS

Greg Goble presented a petition from residents of Lake of the Lanterns that their water had tested as contaminated by the County Health, State Health and Indiana Department of Environmental Management (IDEM) stating that the Prosecutor offered no assistance and requested that the Commissioners speak to the Prosecutor. Steve Stoddard inquired if the EPA had been notified and questioned the sale of this park. Cathy Grindstaff explained the process for the county. The Commissioners directed Mr. Goble to work with all county and state agencies.

IN THE MATTER OF GREELEY AND HANSEN

Michael P. Haskin, PE made a brief presentation of the engineering firm of Greeley and Hansen.

IN THE MATTER OF SUBDIVISION BOND REVISION

Walt Reeder presented a request to reduce the performance bond to an amount of \$230,000 for Forest Knoll, Section 2 (aka Forest Commons, Section 11), based on on-site inspection of work completed to date. Commissioner Clampitt moved, per staff recommendation, to approve the request for Forest Knoll as presented. Commissioner Disney seconded the motion and the motion was approved unanimously. 3-0-0

IN THE MATTER OF OLD FARM HOUSE

Rob Coop stated that an employee of Engineering Department would like some of the materials from the old farmhouse behind the annex for personal use. It was consensus of the Commissioners that President Daum put a value on or determines it to of “no value” and to use his judgment on this property.

IN THE MATTER OF BUILDING CORPORATION

Rob Coop presented a bill from South Western Electronics in the amount of \$114 TO FORWARD TO THE trustees of the Hendricks County Government Center Building Corporation. Commissioner Clampitt moved to approve the bill from South Western Electronics and forward to the Building Corporation for payment. Commissioner Disney seconded the motion and the motion was approved unanimously. 3-0-0

IN THE MATTER OF ANIMAL CONTROL

Commissioner Clampitt moved, per staff recommendation, to approve the contract with Standard Fertilizer, after

review and approval by the County Attorney for pick up of dead animals at the Animal Shelter. Commissioner

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

IN THE MATTER OF COUNTY HOME

Peggy Nichols presented a 1997 check from PSI in the amount of \$1,180. It was the consensus of the Commissioners to contact the Treasurer and CINergy to verify if the check is valid.

IN THE MATTER OF COURTHOUSE

Rob Coop presented plans to protect the west entry of the Courthouse. It was consensus of the Commissioners to review, check funding and bring back next week.

IN THE MATTER OF SPRINT TOWER

It was reported that we had not received a contract from Sprint Spectrum. There was discussion that the contract should include that the County receives compensation if Sprint leases use of this tower to any other firm.

IN THE MATTER OF VEHICLES

Steve Stoddard questioned the final sale of the dump truck and stated that the title is made to the Commissioners and check should be to Commissioners and to quietus back to the vehicle fund.

The Commissioners clarified that the approval for the County Home van was to replace and not to upgrade. There being no further business the meeting recessed at 4:00 PM

John A. Daum

Hursel C. Disney

ATTEST:_____
Debbie Reeder, Auditor

John D. Clampitt
