

January 7, 2002

The Hendricks County Commissioners met in regular session at 9:45 AM on Monday, January 7, 2002, 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;

Steven L. Ostermeier)	
Linda Palmer)	Hendricks County Board of Commissioners
John D. Clampitt)	
Gregory E. Steuerwald		Hendricks County Attorney
Nancy L. Marsh		Hendricks County Auditor
David Gaston		Hendricks County Surveyor
Russell Lawson		Hendricks County Highway Superintendent
Terry Jones		Hendricks County Plan Commission Director
John Ayes		Hendricks County Engineer
Mary Anne Lewis		Hendricks County Chief Animal Control Officer
Steve Stoddard		Hendricks County Sheriff Department
Judith Wyeth		Secretary to the Commissioners

IN THE MATTER OF OFFICERS

Commissioner Ostermeier opened the nominations for officers of the Hendricks County Board of Commissioners for 2002. Commissioner Palmer moved to nominate Commissioner Steven Ostermeier for President of the Hendricks County Board of Commissioners for 2002. Commissioner Clampitt seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Clampitt moved to nominate Commissioner Linda Palmer as Vice President of the Hendricks County Board of Commissioners for 2002. Commissioner Ostermeier seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SUBSTANCE ABUSE

Steve Schmalz presented the following recommendations for consideration of payment from the Drug Free Community Fund:

\$13,000	Contract for the task force coordinator. The coordinator is not an employee, but rather works on a contract to perform the duties of information officer, assists member agencies in planning and applying for grants – etc.
1,850	Penrod Consulting Center – Women's Group – supplement the cost of providing counseling to women who have been victims of domestic violence.
1,000	Pittsboro PD – After school Safe Club to serve 6 th grade students with an after school program.

- 1,435 Northwest Schools – Assist in the payment of the school corporations membership in 1-Star,
a drug free educational program similar to DARE.
3,000 Post Prom – Money to be divided between the six school corporations. Post Prom
Committees to assist in drug/alcohol free post prom programs.

There was discussion of using funds for Sheltering Wings. Mr. Schmalz advised that nothing has been requested by Sheltering Wings. Commissioner Clappitt moved to approve the list as provided and noted for the Drug Free program, that all money comes from fees and this is not taxpayer money. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF 4-H BUDGET

Tim Whicker presented a written request for additional funds for the 4-H Fair budget stating that the 2002 appropriations were \$15,000 less than last year and that the fair budget has remained the same for the past several years, however, they need the additional to cover the loan for the heating/air conditioning for the auditorium. Commissioner Clappitt moved for the Commissioners to send a letter to the Council to look favorably at funding the 4-H Fair budget an additional \$15,000 to pay for the HVAC loan. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ZA-274/WA01-14: KACHELE

John Moore, attorney, requested ZA-274WA01-14: Paul D. Kachele, be continued for two (2) weeks in order to review letters received this date that are relative to this matter. Commissioner Clappitt moved to continue ZA-274 to the January 22, 2002, meeting as requested by legal counsel. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ZA-264/WA01-06: KIRK

Terry Jones presented ZA-26/WA01-06: Herschel & Nancy Kirk, a request for a change in zoning classification from WI: Wholesale Industrial District, to a HB: Highway Business District, for 1.5 acres located in Washington Township on the southeast side of U.S. Highway 36 and Shelton Drive. Mr. John Moore, attorney, gave the history

this zoning request and presented written restrictions on building size for particular uses. Mr. Jones advised that the public hearing for this zoning request was held on December 11, 2001, and comes with a favorable recommendation from the Plan Commission with the following restrictions as presented by the applicant:

- | | | |
|----|---|----------------|
| 1. | <i>Retail Businesses</i> | 19,500 sq ft. |
| 2. | <i>Offices, Professional and Business</i> | 19,500 sq. ft. |
| 3. | <i>Personal Services</i> | 19,500 sq. ft. |
| 4. | <i>Professional Services</i> | 19,500 sq ft. |
| 5. | <i>Service Businesses</i> | 19,500 sq. ft. |
| 6. | <i>Financial Institutions</i> | 5,400 sq. ft. |
| 7. | <i>Restaurants, Fast Food</i> | 2,250 sq. ft. |

Commissioner Ostermeier asked if anyone wished to speak on this matter. There was no public input. Commissioner

Clampitt moved to approve ZA-264 request with restrictions, as recommended by the Plan Commission, as Ordinance

No. 2002-01. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ZA-267/WA01-08: REPUBLIC DEVELOPMENT

Terry Jones presented ZA-267/WA01-08: Republic Development Company, for a change in zoning classification from R-A: Single Family (15,000) Residential District, to R-B: Single Family (12,500) Residential District. Mr. Jones further advised that a public hearing was held for this request on December 11, 2001, with three (3) remonstrators speaking on this matter, however, this request comes from the Plan Commission with a favorable recommendation with the following list of commitments:

EXHIBIT “A”

Revised Zoning Commitments , Republic Development Petition ZA-267/WA01-08; Revised 12-4-01

Below is a revised list of development standards to be included with the application. The Petitioner hereby makes the following commitments:

- 1. Density will not exceed 2.3 units per acre.*
- 2. Minimum sq. ft. of homes. 1 story – 1,400
 2 story – 1,800*
- 3. Each home will have the following minimum landscaping installed at the time of home constructing. Front yard, sodded; side and rear yards sodded, or seeded, minimum of two 2 ½” caliper deciduous or 6” tall evergreen trees planted in the front yard, minimum of 8 bushes or shrubs planted in the front yard.*
- 4. All homes shall have dusk to dawn carriage lights or yard lights.*
- 5. All homes shall have a minimum of 2 car-attached garage.*
- 6. Brick shall be required on 50% of the front elevation (excluding doors, windows and garage*

- doors) of at least 90% of the homes.*
- 7. Common areas with water features, open space and/or recreational areas shall comprise a minimum of 7½% of the project acreage.*
 - 8. A homeowners' association shall be established for the maintenance of all common areas, common amenities, lakes and entry monumentation and landscaping.*
 - 9. No above ground pools or chain link fences shall be permitted.*
 - 10. All lots abutting County Road 200 North shall be a minimum of 15,000 square feet and shall have a first story brick wrap.*
 - 11. All homes adjoining the two existing residences along the north side of 200 North shall have a first story brick wrap.*
 - 12. Screening shall be provided between the new development and the rear and eastern side property line of the westernmost residence abutting the subdivision along the north side of County Road 200 North. The screening will be mounding approximately 4" in height and landscaping including but not limited to trees of at least 2 ½" caliper at no greater than 30' on center.*
 - 13. Any common areas immediately adjacent to the existing 2 residences will be passive in nature and not include any community recreational facilities.*
 - 14. Stub streets to the east, west and north will be provided.*
 - 15. Divided entryways from 200N will be provided.*
 - 16. Sidewalks will be provided along CR 200N.*
 - 17. Common recreational areas with amenities and/or trails will be provided.*
 - 18. Appropriate right-of-way and setbacks will be provided along 100N to allow widening for future county needs.*
 - 19. Mailboxes will be clustered in the cul-de-sac if permitted by the U.S. postal service.*
 - 20. A minimum five-foot tree plot between the sidewalk and street will be provided whenever practical.*
 - 21. Utility easements will be put on the building side of the sidewalk wherever practical to allow for trees to be planted in the tree plot.*
 - 22. Maximum length of cul-de-sacs-600'.*
 - 23. If a detention pond is used as credit for open space, a four to one bank slope will be used.*
 - 24. Any homes rear-abutting County Road 200 North will include a mounding and landscaping buffer.*

Commissioner Ostermeier asked if anyone wished to speak on this matter. There was no public input.
Commissioner

Clampitt moved to approve ZA-267: Republic Development, per Plan Commission recommendation, and with list of

commitments presented, as Ordinance 2002-02. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ANIMAL SHELTER – VACATION

Mary Anne Lewis stated that due to unforeseen problems with workload at the animal shelter she had lost seven (7) days of vacation, and requested to transfer these vacation days to sick days. Commissioner Clampitt moved to

allow the Chief Animal Control Officer to transfer seven (7) vacation days to sick days. Commissioner Ostermeier seconded the motion. Commissioner Clampitt amended the motion that the Chief Animal Control Officer carry over three (3) days for vacation and transfer four (4) vacations days to sick days. Commissioner Palmer seconded the motion and the motion in amended form was approved unanimously 3-0-0.

Mary Anne Lewis presented the 2001 report for the animal shelter.

IN THE MATTER OF SANDY SINCLAIR – TELEPHONES

Sandy Sinclair did not come forward to make a telephone presentation.

IN THE MATTER OF ASSESSOR'S OFFICE – CONTRACT

The Addendum to Employment Contract, between Hendricks County Board of Commissioners and Gordon McIntyre for duties in the Assessor's Office beginning January 1, 2002 thru December 31, 2002 was presented as approved by Assessor Barbara Ford. Commissioner Clampitt moved to approve the Addendum for Employment Contract with Gordon McIntyre, as requested by the County Assessor, for 2002 and that the President execute the agreement. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAYTON/LIBERTY TOWNSHIP LIBRARY – APPOINTMENT

Commissioner Clampitt moved to reappoint Joseph Masner to another four-year term thru December 31, 2005, as a trustee to the Clayton/Liberty Township Public Library Board as requested by Jonnie Wallis, Director. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER BROWNSBURG CONSERVATION CLUB

Paula Burton, 5575 W CR 350N, Danville, came forward to request that we proceed with caution on the Brownsburg Conservation Club and presented correspondence relative to the Brownsburg Conservation Club including a Representation and Declaration of Intentions and Commitment from Rick Gibboney, President of the Brownsburg Conservation Club. Commissioner Ostermeier advised that he had discussed this matter with Senator Connie Lawson. Greg Steuerwald advised the final draft of a bill needs to be reviewed by the County Attorney.

IN THE MATTER OF GOVERNMENT CENTER - SKATE BOARDERS

Steve Stoddard inquired on the procedure for handling skate boarders and roller bladders on County parking lots

and stated signs need to be posted on light poles in all parking lots. There was discussion of an ordinance for the parking lots and sidewalks. It was the consensus of the Commissioners to check with the Town of Danville for ordinances they may use as the County parking lots are within the Town of Danville.

IN THE MATTER OF SHERIFF DEPARTMENT

Steve Stoddard requested a postage meter for use in the Sheriff's office due to the increase in the postage items from the Sheriff's Department. It was the consensus of the Commissioners to check on the cost of an additional postage meter for use at the Sheriff's Department and to report back.

IN THE MATTER OF COUNTY PROPERTY

Rich Jensen requested a current report of all County owned property. Auditor Nancy Marsh will provide this information for him.

IN THE MATTER OF HIGHWAY BIDS

Russ Lawson advised that the bid submitted by Jackson Oil for diesel did not meet the specs and they had resubmitted a new quote, that meets the specs, but at a much higher rate. Greg Steuerwald stated we should go with the lowest quote and remove Jackson Oil. Commissioner Clampitt moved to remove Jackson Oil as it did not meet the original specs and to replace with Tri Star as the lowest most responsible and responsive quote. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF HIGHWAY

Russ Lawson advised that they had sanded for the snow that fell this weekend, but it was not enough to plow.

IN THE MATTER OF U.S. HIGHWAY 136 - UNOFFICIAL DETOUR

John Ayers presented the December 26, 2001, letter from Indiana Department of Transportation (INDOT) relative to bridge replacement on US 136 over the West Fork of Big Walnut Creek with a map showing the unofficial local detour and advising that INDOT agrees to reimburse the local agency for the cost related to damage repair on its portion of the listed unofficial local detour. Commissioner Clampitt moved to approve the local unofficial detour, as presented from INDOT, for replacement of bridge on US Highway 136 over the West Fork of Big Walnut. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ROAD INVENTORY

John Ayers presented a Form for Road Inventory from the Indiana Department of Transportation (INDOT) in response to the December 28, 2001, letter from the County Engineer advising that Hendricks County has released the performance bonds for several subdivisions, that these subdivision streets have been accepted into the County's road system and should be included in the Public Road Mileage Certification, and this form accepts this additional mileage of 13.19 miles. Commissioner Clampitt moved to approve the Form for Road Inventory with the addition of 13.19 miles as presented, on the additional road inventory list. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ENGINEERING DEPARTMENT

John Ayers presented a list of equipment in the Engineering Department and requested to trade for a skid loader, at no cost to the County, along with quotes from Bobcat and New Holland and advised that this loader would be better utilized by the Engineering Department and eliminate some little used equipment. There was discussion of items to trade. Commissioner Clampitt moved to purchase the Bobcat with the John Deere backhoe as a trade, to keep the tractor, to sell the Case bulldozer to the Highway Department and all listed additional equipment will be purchased with the Bobcat except the landscape rake. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CULVERT INSPECTIONS

John Ayers proposed a culvert inspection change of culvert limit to three (3) feet and requested to obtain a contract with WTH as they are the lowest and most experienced, to inspect culverts in two (2) phases over two (2) years. Commissioner Clampitt moved to go with WTH as they are the lowest and most qualified and to negotiate a contract for culvert inspections as recommended by the County Engineer. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF AVON ESTATES, SECTION 3 – BOND REVISION

Terry Jones requested a release of the performance bond upon receipt of a maintenance bond in the amount of \$44,400 for Avon Estates, Section 3, based on an on-site inspection by the Planning Department and that this development is subject to a Legal Drain assessment. Commissioner Clampitt moved to approve the release of performance bond upon receipt of a maintenance bond for Avon Estates, Section 3, as presented and recommended by the Planning Director. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF GOVERNMENT CENTER FURNITURE

John Ayers gave an update on furniture requests stating there were requests for additional furniture in some offices

they are checking on the printer stand, explained the changes in the painting of files and added that some manufacturers include freight in their price and others add freight onto the total purchase.

IN THE MATTER OF USED TELEPHONE AND SYSTEM PARTS

John Ayers presented a list of used telephone parts from the County telephone system and advised that Jeff Johnson of Johnson Associates gave an estimate of under \$1,000 for these items and recommended to sell the used parts to Vince Wertz. Greg Steuerwald requested to double check on this matter and bring back a recommendation next week.

IN THE MATTER OF FIBER OPTIC

John Ayers presented the Request for Proposals for fiber optic that will run parallel to or replace the existing line from the Hendricks County Courthouse to the Hendricks County jail and east side offices, and requested to send and to advertise. Commissioner Clampitt moved to allow Request for Proposals for fiber optic to be sent and advertised as presented by the County Engineer. Commissioner Clampitt seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BROWN-LINCOLN TOWNSHIP LOTS

Terry Jones presented a list of recorded lots in Brown Township and Lincoln Township that lists both built lots and vacant lots.

IN THE MATTER OF LIZTON

Terry Jones advised that the Town of Lizton is updating their Comprehensive Plan and Zoning Ordinance and are

discussing a possible contractual agreement with the County.

IN THE MATTER OF PLANNING – NORTHWEST HENDRICKS SCHOOLS

Commissioner Clampitt stated Tri-West, Northwest Hendricks School Corporation, was charged a building permit

fee for the proposed new middle school and requested a refund as this is another governmental entity. It was the consensus of the Commissioners that the Planning Department notify Tri West to submit a claim for reimbursement of this charge.

IN THE MATTER OF ZONING ORDINANCE

Greg Steuerwald requested an amendment to the Zoning Ordinance to allow used car sales to use outside space for

storage of their vehicles. It was the consensus of the Commissioners for Greg Steuerwald to proceed with this amendment and to bring back after the February Plan Commission meeting.

IN THE MATTER OF SURVEYOR –
STORM DRAINAGE EROSION AND SEDIMENT CONTROL ORDINANCE (SDESCO)

David Gaston discussed the new drainage booklet with the Storm Drainage Erosion and Sediment Control Ordinance (SDESCO) and other information. Mr. Gaston requested to purchase GPS Global Position System. Mr. Gaston also requested a schedule of Northern Acres and how to pay for this, advising that he will also present this matter at the next Drainage Board meeting as part will be on roads and suggested to use one contractor for all.

IN THE MATTER OF STORAGE - ANNEX

John Ayers advised that the Hendricks Community Hospital has notified the County that they plan to tear the Annex down in March and the County will need storage space, however, that they are still checking on options. Rich

Jensen of Stevenson Jensen Agency requested, for insurance purposes, to be notified when the Annex is removed and

where and when the contents are moved

IN THE MATTER OF COUNTY PROPERTY

Auditor Nancy Marsh acknowledged receipt of request from a citizen of a narrow strip of land that adjoins her that

did not sell during the tax sale and requested that she be given this small strip of land. Greg Steuerwald advised he will work on this matter. Rich Jensen requested a list of unclaimed properties owned by the County.

IN THE MATTER OF DEAD TRESS ALONG ROADS

Nancy Marsh advised that is lieu of a dead tree that fell in Hancock County killing a family in their car while driving

down the road, that there are several dead trees that could be dangerous on County Road "0". She was directed to discuss the matter with the Town of Danville as these trees are within the town.

IN THE MATTER OF VETERANS' REPORT

Receipt was acknowledged of the December 2001 Veterans' Report and of the annual 2001 Veterans' Report from

Richard Bane.

IN THE MATTER OF PARKING AROUND THE COURTHOUSE

Receipt was acknowledged of the letter of December 19, 2001, from several employees of Hinkle & Gibbs relative to parking problems around the Courthouse. It was the consensus of the Commissioners that County Attorney

Greg Steuerwald respond to this letter.

IN THE MATTER OF BROWNSBURG – BRIDGE NO. 27

Receipt was acknowledged of the December 27, 2001, letter from Mark W. White, Town Manager for the Town of Brownsburg, stating the bridge deck has deteriorated on Bridge No. 27 over White Lick Creek on Stonybrook Drive in Brownsburg and requested repairs. The Commissioner requested the Engineer's staff to add this bridge to their bridge repair list for 2002.

IN THE MATTER OF TORT CLAIM – LEIGH WOHLSCHLAEGER

Receipt was acknowledged of the tort claim from Jones, Hoffman & Admire for Leigh Wohlschlaeger for incident

of July 14, 2001.

IN THE MATTER OF CLAIMS

Commissioner Clampitt moved to approve claims #113877 thru 114295, 215085 thru 215128, and #215132 thru 215147 and #215153 thru 215161as presented January 7, 2002. Commissioner Palmer seconded the motion and the

motion was approved unanimously 3-0-0.

IN THE MATTER OF MINUTES

Commissioner Clampitt moved to approve the minutes of the November 26, 2001, Commissioners' Meeting. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Commissioner Clampitt moved to amend the motion that the approved minutes were of the November 26, 2001, Special Joint Meeting of Commissioners and Council. Commissioner Palmer seconded the amended motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SUPERIOR 1

Receipt was acknowledged of a letter from Judge Freese of Superior 1 for additional electrical outlets in the Superior 1 courtroom. The matter was referred to the Engineering Department.

IN THE MATTER OF JOSEPH WISE

Master Joseph Wise was introduced to the Commissioners and sat in on the meeting.

Commissioner Clampitt moved to recess the meeting at 12:00 PM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF TECHNOLOGY BOARD

The Technology Board opened at 12:20 PM with the addition of the following:

John Parsons, Systems Administrator	Doug Morris, Computer Department
Sharon Dugan, Hendricks County Clerk	

Commissioner Ostermeier opened the nominations for Technology Board officers for 2002. Commissioner Palmer

moved to nominate Commissioner Steven Ostermeier for President of the Technology Board. Commissioner Clampitt seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Clampitt moved to nominate Commissioner Linda Palmer as Vice President of the Technology Board. Commissioner Ostermeier seconded the motion and the motion was approved unanimously 3-0-0.

John Parsons presented a contract with Manatron for voter registration's computer needs that will include training

and the required upgrades. Sharon Dugan stated that in her office they have been very pleased with Manatron.

Commissioner Clampitt moved to approve and execute the two (2) contracts with Manatron as submitted, and to fund

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

John Parsons presented a letter regarding reassessment and stated he will personally deliver the information on CD

and magnetic tape.

There was discussion of the Assessor's Plexis software with Steve Luther of Beam, Longest, and Neff.

Doug Morris explained the license fees and licenses for Access and the XP Office Professional for all offices.

Commissioner Clampitt moved to approve the purchase of 25 licenses, as recommended by John Parsons, to purchase

from bond and forward to the bond trustees. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

John Parsons reported that he had received two (2) quotes for e-mail, but did not have the complete list. It was the

consensus of the Commissioners to wait until information was received from Manatron.

Steve Luther explained the delay and problems with the Plexis software for the Assessor's Office and advised he will report to John Parsons when he has all of the information.

There was discussion of the Network Policy and of future changes and addendums. Commissioner Clampitt moved to approve the Network Policy with corrections, to be effective February 4, 2002, and to print 350 copies with forms. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. John Parsons thanked Commissioner Palmer for her assistance on this policy.

John Parsons requested that Doug Morris be given the title of Web Master. It was the consensus of the Commissioners that Doug Morris be titled Web Master.

John Parsons expressed appreciation to the Commissioners for the employee Christmas luncheon.

It was the consensus of the Commissioners to start making copier decisions.

Commissioner Clampitt moved to recess the Technology Board at 1:00 PM. Commissioner Palmer seconded the

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

Steven L. Ostermeier, President

Linda Palmer Vice President

John D. Clampitt, Member

ATTEST: _____
Judith Wyeth, Deputy Auditor
