

January 22, 2008

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, January 22, 2008, with a quorum of three (3) Commissioners in the Meeting Room 4-5 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	)	
Dan Zielinski		Acting Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Don Reitz		Hendricks County Planning Director
James McBryant		Cypress Manor Administrator
Judith Wyeth		Secretary to the Commissioners

Commissioner Whicker opened the meeting and led the Pledge to the Flag in unison.

IN THE MATTER OF MINUTES

Commissioner Wathen moved to approve the minutes of January 15, 2008, 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 #087139 thru 087297 and Direct Deposit #036225 thru 038578 as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE 2008-01  
ZA 387/07: MES PROPERTIES, LLC

Don Reitz presented ZA 387/07: MES Properties, LLC, a request for a zoning amendment change from RA/Rural Residential District, to MI/Major Industrial District, for 175.28 acres, located on the north side of the Hendricks County Line, south of Interstate 70, and on the east and west sides of CR 100E at 830 & 1464 East Hendricks County Road and 10714 W CR 100E and 10899 S CR 100E, Clayton. Mr. Reitz stated the Plan Commission held a public hearing on December 11, 2007, continued the meeting to January 8, 2008 and now send this zoning request with a favorable recommendation of 6-0-0. Mr. Reitz gave a brief history of this project and explained various alternative sites that were evaluated. Commissioner Whicker made a motion to approve the zoning amendment with self imposed commitments that were approved by the Plan Commission, for the purpose of discussion. Commissioner Wathen seconded the motion. There was discussion of the self-imposed commitments by the developer at the Plan Commission, the location, the Comprehensive Plan and uses under this classification. Commisisoenr Palmer

suggested an alternative zoning approach by using a variance. John Ayers explained his contact with representatives from INDOT for road and intersection improvements at SR 39. Commissioner Whicker called for the question and the motion was approved 2-0-1 with Commissioners Whicker and Wathen voting aye and Commissioner Palmer voting nay.

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IN THE MATTER OF EXIT 59

Dennis Dechow, Lauth Development, explained the news articles about Lauth changing their delivery process and stated this will not affect anything locally and will have no affect on their Westpoint Development at Exit 59.

Dennis Dechow explained his meeting with representatives from the Crawfordsville District of INDOT and the County Engineer relative to proposed road improvements near Exit 59.

Dennis Dechow advised that Lauth is working with 5<sup>th</sup> Third Bank to purchase the TIF bonds, specifically those bonds that pertain to the Hendricks County Regional Sewer District for Exit 59.

Dennis Dechow explained they are working to prepare plans for the cut permit on SR 39 at Exit 59.

Mike Graham acknowledged receipt of a draft Memorandum of Understanding (MOU) from KS Hendricks Partners LLC regarding their project at Exit 59. It was the consensus of the Commissioners to appoint Commissiainer Wathen as the Commissioners’ point person for this MOU and requested that Mike Graham set up a meeting with Paul Kite Development to discuss this MOU.

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IN THE MATTER OF RONALD REAGAN PARKWAY

Commissioner Wathen advised of his meeting with representatives of Brownsburg to discuss issues on the Ronald Reagan Parkway and the I-74 Interchange. He stated Brownsburg gave positive comments about dedicating their EDIT funds that were used to pay the United Airlines bonds and would dedicate any of their additional wheel tax money to the project.

Commissioner Wathen advised of a meeting of the Ronald Reagan Parkway Task Force Funding at 2:00 PM today in the Government Center with Greg Guerrettaz, Financial Solutions Group (FSG), and representatives from Avon, Brownsburg and Plainfield to discuss funding for the Ronald Reagan Parkway.

There was discussion that sewers should be discussed and worked out with Brownsburg and that contact should be made with Boone County officials relative to the SR 267 exchange for the Parkway.

Commissioner Wathen presented a draft letter to Council members stating on January 1, 2007 the United Airlines bonds were paid off and the last payment of the County was \$697,094.91. The last payments by the town of Brownsburg, Danville and Plainfield totaled \$192,211.34. The funding was from EDIT funds. Commissioner Wathen requested the Council to annually dedicate \$700,000 from the EDIT funds to be used exclusively for the Ronald Reagan Parkway for a period of not to exceed twenty years. Also, he requested the establishment of a dedicated account to accumulate these funds from year to year and suggested to request the towns of Brownsburg and Plainfield to establish similar dedicated Parkway accounts to deposit their portion of the EDIT funds that previously were used to pay the United Airlines Bonds. Avon will also be asked to allocate a portion of their EDIT funds to the Parkway. It was the consensus of the Commissioners to sign and send the letter to the Council Members and to add this matter to the agenda for the February 14, 2008 Joint meeting.

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## IN THE MATTER OF JUDICIAL CENTER

Commissioner Whicker announced the Commissioners would have an Executive Session at 1:00 PM today in the Government Center to discuss the architects that were interviewed for the study of the judicial center.

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## IN THE MATTER OF WISHES TO BE HEARD

Ron Meyers, Liberty Township Trustee, requested the Commissioners look at improving the sound system in the Government Center to enable citizens to hear the public meetings.

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## IN THE MATTER OF CYPRESS MANOR

James McBryant presented an application for an emergency residency of a female to Cypress Manor. Commissioner Palmer moved to approve and accept the female application presented by the Cypress Manor Administrator for residency in Cypress Manor. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

James McBryant introduced Maria Larrison, Sheltering Wings, to present a Memorandum of Agreement between Sheltering Wings Center for Women and the Hendricks County Home and explained this agreement was to provide temporary housing to serve men and their children who are victims of domestic violence. Ms. Larrison stated Sheltering Wings provides this service for women and children and 95% of their calls are from women, however 5% of the calls they receive are from men and they have no facilities in Hendricks County to assist men and their children. It was the consensus of the Commissioners to have the County Attorney review this agreement and to discuss at the February 5, 2008 meeting.

Mike Graham advised that James McBryant is preparing a policy to implement recommendations to establish procedures to follow if an incident between residents happens at Cypress Manor.

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## IN THE MATTER OF EMPLOYEE HANDBOOK

Mike Graham presented a draft of a proposed section of the Employee Policy Manual that would eliminate the provisions for compensatory time, gap time and flex time and puts into place a new section entitled Compensation Policy. It was the consensus of the Commissioners to send this draft policy to elected officials and department heads for their review and comments.

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## IN THE MATTER OF FLEET MANAGER

Mike Graham presented a politically correct version of the Fleet Manager Job Description. There was a brief discussion of the job description. It was the consensus of the Commissioners to accept this job description for Fleet Manager with a few minor corrections as discussed.

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## IN THE MATTER OF ECONOMIC DEVELOPMENT

Mike Graham stated Cinda Kelley, Executive Director Economic Development Partnership, is willing to conduct another Economic Development Workshop with the Commissioners and Staff. It was the consensus of the Commissioners to proceed to set up another Economic Development workshop for Tuesday, February 19, 2008 at 2:00 PM in the Government Center.

Mike Graham extended an invitation from Cinda Kelley, Executive Director Economic Development Partnership, to visit APEX, a manufacturing facility on SR 67 in the Friendswood area, on Thursday, January 31, 2008. It was the consensus of the Commissioners that Commissioner Palmer and Mike Graham would tour APEX

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## IN THE MATTER OF SHERIFF DEPARTMENT

Mike Graham presented the January 11, 2008 letter from Bliss McKnight recommending that the Sheriff's Department cease providing vehicles to transport inmates from the County jail to the Plainfield Court. It was the consensus of the Commissioners for Mike Graham to obtain more information on this practice. Rich Jensen, Stevenson-Jensen Agency, stated he will meet with the Sheriff to discuss this issue.

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## IN THE MATTER OF COMMUNICATIONS CENTER

Mike Graham stated Larry Brinker, Executive Director Hendricks County Communications Center, has issued an alert regarding Senate Bill 359 which would set a 911 fee of \$1.00 for all devices such as cell phones, land lines and VOIP (telephone calls over a computer). Mr. Graham stressed it is good that more dispatching services will be paid by a 911 fee, however, this Senate bill would cut the fee to \$1.00 and the current Hendricks County charge is \$2.06 per line. The goal is to have the Communication Center an independent agency that is paid for by 911 fees and not general property taxes. Mr. Brinker is asking for support to oppose the fee amount in this bill. It was the consensus of the Commissioners for Mike Graham to obtain more information and figures and bring back to the next meeting for further discussion.

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## IN THE MATTER OF DANVILLE ECONOMIC DEVELOPMENT COMMISSION

Receipt was acknowledged of a request from Gary Eakin, Danville Town Manager, for the Commissioners to appoint a replacement to the Danville Economic Development Commission. Two names were submitted. Commissioner Palmer moved to appoint Ben Comer to serve as the Commissioners' appointee to the Danville Economic Development Commission. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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## IN THE MATTER OF RESOLUTION 08-01

### ESTABLISHING THE INTENT TO CONDUCT A COMMISSIONERS' SALE TO SELL TAX SALE CERTIFICATE FOR A PROPERTY SEVERELY DELINQUENT IN PAYMENT OF PROPERTY TAXES

Auditor Cinda Kattau presented a resolution establishing the intent to conduct a Commissioners' sale to sell a tax sale certificate for a property severely delinquent in payment of property taxes for a property in the Town of Danville. Commissioner Palmer moved to approve and execute Resolution 08-01 for tax sale, as presented by the Auditor. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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## IN THE MATTER OF PARK BOARD

Receipt was acknowledged of the reappointment of Jamie Bohler Smith to serve another four year term on the Hendricks County Department of Parks and Recreation Board effective January 1, 2007 until January 3, 2011. Ms. Smith was appointed by Judge Jeff Boles as the appointee of the Circuit Court.

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## IN THE MATTER OF FURNITURE

Receipt was acknowledged of an email from Circuit Probation stating they have an old desk they would like to sell as it is no longer needed in their office. Attorney Dan Zielinski stated this is County property and must be auctioned or sold with other County excess furniture. John Ayers stated they could remove this desk from Circuit Probation and store until the next auction is held or until some other office needs this desk. This information will be forwarded to Circuit Probation.

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## IN THE MATTER OF THE STATE OF THE COUNTY SPEECH

Commissioner Whicker announced that Commissioner Wathen will be delivering the State of the County Speech

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on Tuesday, February 12, 2008 at 1:30 PM in the Government Center.

IN THE MATTER OF CR 100S AND RACEWAY ROAD

John Ayers presented a Change Order for the intersection of CR 100S and Raceway Road from Calumet Asphalt and explained the changes required in the amount of \$12,881.14. Commissioner Wathen moved to approve the Change Order for CR 100S and Raceway Road in the amount of \$12, 881.14, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CR 600N (56<sup>th</sup> STREET) AND RACEWAY ROAD

John Ayers presented a Supplemental Proposal from Wilcox Professional Services for a feasibility study of a roundabout at CR 600N (56<sup>th</sup> Street) and Raceway Road in the amount of \$13,150. The proposal would reduce the \$13,150 fee if Wilcox was retained to do the actual roundabout design. Commissioner Wathen moved to approve the proposal of \$13,150 with Wilcox Services for only a study of a roundabout at 56<sup>th</sup> Street and Raceway Road. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGE NO. 25

John Ayers reported the court case for right-of-way for the redesign and relocation of Bridge #25, located in White Lick Estates over Beaman Ditch, went to court last week and the Judge ruled in favor of the County and ordered that appraisers are hired for the right-of-way.

IN THE MATTER OF BRIDGE NO. 34

Commissioner Wathen stated he and John Ayers will look at the approaches for Bridge No. 34, located at CR 700N and CR1000E and report back on the possible flooding of this area.

IN THE MATTER OF CULVERTS

John Ayers reported that he had met with IDEM and they approved the concept of eliminating two culverts on CR 550E and changing the channel into one. Mr. Ayers stated this change will require acquisition of right-of-way and these appraisals have not yet been done to determine the cost.

IN THE MATTER OF STATE HOMESTEAD REBATE

Auditor Cinda Kattau reported the State Homestead Rebate Checks will go out to 40,000 Hendricks County residents the second week in February.

IN THE MATTER OF LEGISLATION

Commissioner Palmer stated she echoed the concerns of the Indiana Association of County Commissioners (IACC) in the proposed legislation to change County government from three Commissioners to only one Commissioner as she felt the check and balance of three Commissioners rather than just one was a better form of government.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence and calendar:  
Correspondence:

1. Indianapolis Authority meeting about noise exposure maps for Indianapolis International Airport on Tuesday, February 5, 2008 at 7:30 a.m. at the Plainfield Recreation Center, Room 139B, 651 Vestal Road, Plainfield, IN.
2. Purdue Road School, march 25-27, 2008, Stewart Center, Purdue University, west Lafayette, IN.
3. Rieth-Riley Customer Survey on Hendricks County Fairgrounds project.

**Action needed/taken on the following:**

- 1. Checks received and signed to the county:       None
- 2. Whicker signed vehicle titles for the following: None
- 3. Documents needing action:       None

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IN THE MATTER OF TORT CLAIMS

Receipt was acknowledged of a Tort Claim from Nunn Law Office on behalf of Wilbur Goodwin for incident of August 10, 2007 in the Town of Plainfield. The original has been hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

Receipt was acknowledged of a Tort Claim from Stewart & Stewart on behalf of John Marsee for incident of October 13, 2007 at Hendricks Regional Health. The original has been hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

Receipt was acknowledged of a Tort Claim from Nunn Law Office on behalf of Brenda K. Reed and Steven Reed for incident of August 30, 2007. The original has been hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

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IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the January 11 thru January 17, 2008 Highway report from Martin Summers, Highway Superintendent.

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IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the January 14 through January 18, 2008 Human Resources report from Ron Love, Human resources Director.

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Commissioner Wathen moved to adjourn the meeting at 11:25 AM and to attend the posted Executive Session at 1:00 PM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0

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David A. Whicker, President

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Phyllis A. Palmer, Vice President

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Eric L. Wathen, Member

ATTEST: \_\_\_\_\_  
Judith Wyeth, Deputy Auditor

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