

April 22, 2008

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, April 22, 2008 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
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Don Reitz		Hendricks County Area Plan Director
Judith Wyeth		Secretary to the Commissioners

NOTE: Auditor Cinda Kattau was attending a training 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 April 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 #181265 thru 181284 and #181292 thru 181302 as advertised. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Commissioner Whicker referenced a phone message from Tag Birge, Lauth Development, advising that Lauth is moving along on their project at Exit 59.

Greg Steuerwald stated Tag Birge has contacted Bruce Donaldson, Barnes & Thornburg, relative to the TIF bonds. It is the Commissioners understanding they are still waiting for Lauth to offer a proposal for the Commissioners to consider.

Greg Steuerwald stated Bruce Donaldson, Barnes & Thornburg, recommends we consider a Letter of Intent instead of a Memorandum of Understanding (MOU) for the Exit 59 Kite project. The Commissioners concurred with this recommendation.

## IN THE MATTER OF RONALD REAGAN PARKWAY

Commissioner Wathen announced the May 9, 2008 meeting with INDOT to discuss the Ronald Reagan Parkway and SR 267 exchange. John Ayers stated Appian had forwarded him the costs from INDOT for the proposed swap. Commissioner Wathen also stated the Ronald Reagan Task Force will meet again on May 14, 2008 to discuss funding.

John Ayers stated they are looking at the \$500,000 earmark from Congressman Buyer and he will be bringing a list of proposals for use of these funds.

John Ayers advised the repaving of the Ronald Reagan Parkway from US 36 to CR 100N is on the Highway list to do this summer and he is working with the Town of Avon on the portion of the Parkway that is within the Town of Avon.

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## IN THE MATTER OF JUDICIAL CENTER

John Ayers stated he and the architects had met with office holders at the Courthouse and now have their input for a proposed judicial center. He also stated this will be discussed in the joint Commissioner and Council workshop scheduled for Thursday, May 8, 2008 at 3:30 PM in the Government Center.

There was discussion of funding for this judicial center study. Mike Graham stated there are currently funds in the Commissioners' Special Projects line that would cover the \$25,000 study. Commissioner Wathen moved to use the Special Projects line to fund the judicial center study and that these \$25,000 funds be repaid if a bond issue is approved and issued for the judicial center at a later date. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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## IN THE MATTER OF ORDINANCE NO. 2008-02 ZA 305/08: THE VILLAGE OF HERITAGE HILL

Don Reitz presented an ordinance amendment to an approved plan of the zoning map of Hendricks County for a PUD/Planned Unit Development, commonly known as ZA 305/08 (PUD 29) the Village of Heritage Hill, for an amendment to zoning commitments for 242 acres, located approximately 0.11 mile north of the intersection of CR 200N and SR 267, internal to the Village of Heritage Hills Planned Unit Development. Mr. Reitz explained this request is to keep commitment #7 for Phase II construction of Northfield Drive includes constructing the remaining length of the roadway to CR 600E, which construction shall commence not later than 5 years from completion and acceptance of Phase 1 and said Phase II shall be completed within 1 year. This amendment is to eliminate the Commitment Number 8, which states, "At the point 210 apartment units are constructed within Legacy Park, Phase II construction of Northfield Drive will need to occur." He further stated the Plan Commission held a public hearing on April 8, 2008 and sends this amendment with a favorable recommendation of 6-0-0. Commissioner Wathen moved to approve the amendment to the Village of Heritage Hills to eliminate Commitment Number 8, which states "At the point 210 apartment units are constructed within Legacy Park, Phase II construction of Northfield Drive will need to occur:", as Ordinance 2008-02. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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## IN THE MATTER OF ZONING

Don Reitz presented a draft zoning map that was produced from an electronic zoning map and gave a brief update

on the Zoning Department replacing the County’s working zoning maps with these new electronic maps

Don Ritz announced the Tuesday, May 13, 2008 meeting in the Government Center for the Hendricks County Plan Commission to consider the proposed Hendricks County Zoning Ordinance Update.

Don Reitz stated they are continuing to work towards an electronic permitting system for Hendricks County.

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IN THE MATTER OF ANIMAL CONTROL

Mike Graham reported Mary Ann Lewis, Chief Animal Control Officer, is requesting the Commissioners to amend the impoundment fee schedule for any impounded livestock, horses, wild animals or large exotic animals as there have recently been a large number of horses and goats that Animal Control needed to impound. Mr. Graham stated the costs associated with boarding and feeding these animals is significant and Ms. Lewis is requesting to increase the fees charged to the owner of these impounded animals by increasing the impound fee, maintenance, hauling charge and require owners to pay for all veterinarian costs. It was the consensus of the Commissioners for Mike Graham and Mary Ann Lewis to draft an amendment reimbursement for Animal Control and bring back for further consideration.

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IN THE MATTER OF SENIOR COMMUNITY SERVICE PROGRAM

Mike Graham reported Goodwill Industries of Central Indiana administers a federal program authorized under the Older Americans Act that has three purposes: to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years of age or older and who have poor employment prospects; to foster individual economic self-sufficiency; and to increase the number of older persons who may enjoy benefits of unsubsidized employment in both the public and private sectors. Mr. Graham explained the program places older people (55 years and older) in part time jobs (up to 20 hours) in government and not for profit organizations and stated that Goodwill would like to work with Hendricks County to place people in positions in County Government and to network within the County to find other organizations who may participate in the program. He stated the Goodwill staff could make a presentation at a future Commissioners meeting. It was the consensus of the Commissioners to invite a presentation from Goodwill and to extend the invitation to Senior Services and Human Resources.

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IN THE MATTER OF SEARCH & RESCUE GROUP

Mike Graham advised he has arranged a meeting with the volunteer search and rescue group to meet with the Fire Chiefs at their May 1, 2008 meeting and stated his volunteer group wanted to hold off meeting with the Police Chiefs until after they meet with the Fire Chiefs.

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IN THE MATTER OF LINK GRANTS

Mike Graham advised of a meeting he attended with Auditor Cinda Kattau, Treasurer Nancy Marsh, Sycamore Services Director Pat Cochran, Sycamore Services CFO Dan Martin, the Sycamore Services staff, State Board of Accounts Auditor Eugene West and INDOT representative James English. Mr. Graham stated they have resolved the issue with the State Board of Accounts regarding the LINK grants. Mr. Graham explained the State Board of Accounts found that the County was not monitoring the LINK grants as is required by federal accounting guidelines and presented the State Board of Accounts’ findings regarding the deficiencies in the County’s monitoring of the Sycamore Services and Senior Services transportation grant with INDOT. He also presented the corrective action

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plan that was submitted to the State Board of Accounts to resolve the problem.

IN THE MATTER OF WAGE COMMITTEE

Mike Graham advised we have been contacted regarding the wages approved by the Wage Committee for nine County projects at their May 14, 2008 meeting.

IN THE MATTER OF BLUE HOUSE

John Ayers stated they are obtaining a legal description for the blue house that was purchased by the County that is located in the County right-of-way for Bridge No. 274 near Cartersburg Road. They will prepare a legal ad for the sale of this property that will include the clause “the County has the right to refuse any and all bids”.

IN THE MATTER OF 56<sup>TH</sup> STREET

John Ayers explained he has received no response from representatives from the Town of Brownsburg relative to 56<sup>th</sup> Street. He also stated he is working with Greg Guerrettaz, Financial Solutions Group, for funding.

John Ayers stated they are working to obtain right-of-way along 56<sup>th</sup> Street.

IN THE MATTER OF PROSECUTOR’S OFFICE

John Ayers advised he had contacted the Prosecutor relative to the phone installation and expenses required for the Prosecutor's new space on South Jefferson and was informed the Prosecutor will fund the phones and installation from her budget.

IN THE MATTER OF WORK RELEASE

John Ayers stated the Hendricks County Judges would like to invite the Indiana Chief Justice to the dedication of the new work release facility, however, the only dates the Chief Justice has open are August 15 and August 22, 2008 and stated the work release should be up and running by those dates. It was the consensus of the Commissioners to set the dedication date for the new work release facility in August in order for the Chief Justice to attend, as requested by the Judges.

John Ayers expressed concerns for the sealing of the cement floors in the work release facility and stated the offices are carpeted, however, the concrete hallway and public areas are not satisfactory. Mr. Ayers presented a change order from Brandt with a quote to epoxy the floors in the corridors and restrooms for \$13,660.63 and the day rooms and security for \$15,137.10. He stated this would improve the appearance and would also be better for care and cleanliness. Commissioner Whicker moved to approve the change order with Brandt to epoxy the concrete floors in the corridor and restrooms for \$13,660.63 and the dayrooms and security for \$15,137.10 in the work release facility, as recommended by the County Engineer. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NUMBER 2008-03  
ORDINANCE FOR MAXIMUM SPEED LIMITS ON CERTAIN COUNTY ROADS

John Ayers presented the Ordinance for maximum speed limits on certain County roads for CR 700W from SR 75 to CR 450S to lower the speed limit to 40mph. Commissioner Whicker opened the public hearing for this ordinance at 10:28 AM. Mr. Ayers presented a map showing the section of CR 700W that would be affected by this speed limit ordinance. There was no public input. Commissioner Whicker closed the public hearing at 10:30 AM. Commissioner Palmer moved to adopt Ordinance No. 2008-03 to establish a reduced speed limit for a portion of CR 700W, as presented. Commissioner Wathen seconded the motion and stated he did not feel this speed limit would

be enforceable and that no one will patrol this road. The motion was approved unanimously 3-0-0.

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IN THE MATTER OF LANDSCAPING

Receipt was acknowledged of a request from Elvin Cassity, Custodial Superintendent, to purchase mulch for the Government Center and Courthouse lawns as has been done in previous years for around \$1,550. There was discussion of keeping the landscaped areas weeded. Commissioner Wathen moved to approve the hiring of mulching of the landscaped areas of the Courthouse and Government Center, contingent on keeping the areas weeded.

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

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IN THE MATTER OF HARDIN FARMS

Receipt was acknowledged of a letter from Hardin Farms informing the Commissioners their farm is renewing its Concentrated Animal Feeding Operation (CAFO) permit with the state of Indiana for their farm located at 4881 W CR 200N, Danville, IN. They also advised the state Department of Environmental Management (IDEM) has a new rule that requires them to notify adjoining land owners and the County Commissioners whenever renewal occurs. Commissioner Whicker stated the Hardins have and will continue to be good neighbors and good stewards of the land.

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IN THE MATTER OF RELAY FOR LIFE 2008

Receipt was acknowledged of a request from Megan Murmacz, Chairman of the Avon Relay for Life, requesting a proclamation for the four Hendricks County Relay for Life sites in Avon on May 17 - 18, Brownsburg on June 7 - 8, Danville on June 14 -15 and Plainfield June 28 and 29. Ms. Murmacz also requested for a Commissioner to read the proclamation at 10:00 AM on May 17, 2008 at the Avon Intermediate School East. Commissioner Whicker read the following proclamation:

STATE OF INDIANA                    )  
  ss: HENDRICKS COUNTY COMMISSIONERS  
COUNTY OF HENDRICKS            )

**PROCLAMATION  
RECOGNIZING  
RELAY FOR LIFE 2008**

***WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells, which if not controlled, can result in death; and***

***WHEREAS, 30,040 new cases of cancer are estimated to occur in the State of Indiana in 2008 and approximately 12,730 Indiana citizens are expected to die from cancer this year; and***

***WHEREAS, the American Cancer Society is a voluntary community-based health organization in Indiana, dedicated to eliminating cancer as a major health problem; and***

***WHEREAS, the Relay for Life is a community affair held throughout Indiana, which presents an opportunity to dust off your camping gear, slip on your walking shoes and network with your business associates, family, and friends.***

***NOW, THEREFORE, We, The Hendricks County Board of Commissioners of the State of Indiana, do hereby recognize the RELAY FOR LIFE, throughout the County of Hendricks, in the State of Indiana. We urge citizens to recognize and participate in the relays held in Hendricks County: Avon on May 17-18, Brownsburg on June 7-8, Danville on June 14-15 and Plainfield on June 28-29, 2008***

***This order entered on this 7<sup>th</sup> of May, 2008.***

(SEAL)

(SIGNED)

David A. Whicker, President  
Phyllis A. Palmer, Vice President  
Eric Wathen, Member

Commissioner Palmer moved to approve the Proclamation for Relay for Life 2008 in Hendricks County at more



the Prosecutor, Surveyor and Highway are all agreeable to participate with the new joint account and the combining of these accounts will save the County \$400 - \$800 per month. Commissioner Wathen moved to purchase replacement phones from Sprint/Nextel and to combine all 66 cell phones under one account that will save the County money. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PROSECUTOR’S REPORT

Receipt was acknowledged of the Annual Federal Report that was sent by Prosecutor Pat Baldwin for approval and execution. Commissioner Palmer moved to approve the Prosecutor’s Annual Federal Report, as presented, and authorize the President to sign the report as provided by the Prosecutor. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BROWNSBURG HIGH SCHOOL CHAMPIONSHIP

In response to an earlier request by Commissioner Wathen to recognize the Brownsburg High School Bulldogs Boys Basketball Team for winning the State Championship a draft Proclamation was presented. Council Member Jay Puckett had requested for the Council members to be included on this proclamation. Commissioner Whicker read the following proclamation

State of Indiana ) Hendricks County Commissioners  
Hendricks County ) Hendricks County Council

**PROCLAMATION HONORING  
BROWNSBURG HIGH SCHOOL BULLDOGS BOYS BASKETBALL TEAM**

*BE IT REMEMBERED THAT: The Hendricks County Commissioners, Hendricks County Council and the Citizens of Hendricks County recognize the Brownsburg High School Bulldogs Boys Basketball Team for winning the Class 4-A Division Indiana State High School Boys Basketball Championship on Saturday, March 22, 2008, in the Conseco Fieldhouse, Indianapolis, Indiana.*

*BE IT REMEMBERED THAT: The Brownsburg High School Bulldogs Boys Basketball Team has represented the citizens of Hendricks County and the State of Indiana in achieving the highest honor for a high school boys basketball team. The team members serve as a role model to all youth. Their team playing, good sportsmanship, high goals, hard work and mental attitude serve as an example to all Hendricks County Students and Students of ALL Indiana Schools.*

*BE IT REMEMBERED THAT: The Brownsburg High School Bulldogs Boys Basketball Team, Cheerleaders, Managers, Coaches, Athletic Directors and Supportive Staff have all shown great leadership, hard work and dedication. Their families, fellow students and community have supported them in an enthusiastic manner that does the Brownsburg Community Schools, the Town of Brownsburg, Lincoln Township, Brown Township and ALL of Hendricks County proud.*

*NOW, THEREFORE, IN CONSIDERATION: Of the above contribution to Hendricks County by the Brownsburg High School Bulldogs Boys Basketball Team and the example they have set for Hendricks County, the Hendricks County Board of Commissioners, in their unanimous and inherent jurisdiction, by this Proclamation do hereby declare, recognize and honor our outstanding youth. This Order Entered this 8<sup>th</sup> Day of May, 2008.*

Commissioners: \_\_\_\_\_  
David A. Whicker, President      Phyllis A. Palmer      Eric L. Wathen

Council: \_\_\_\_\_  
Larry Hesson, President

(SEAL) \_\_\_\_\_  
Richard A. Thompson      Brad Whicker

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Jay Puckett      J. Kenneth Givan

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Nancy G. Johnson      Hursel C. Disney

It was announced this Proclamation will be presented to the Brownsburg High School Boys Basketball Team and staff by the Commissioners and Council during their joint Workshop on Thursday, May 8, 2008.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence and calendar:

- 1. IDEM, Closure Certification Notification, Prestwick Wastewater Treatment Plant, Municipal Sludge Lagoon Closure.
- 2. IDEM Notice of Public Comment, Steel Dynamics-Bar Products Division is in the Legal Advertising section of a local newspaper.
- 3. Cummins Behavioral Health Systems, Inc. Board of Directors meeting, Thursday, April 19, 2007, Primo Banquet & Conference Center, Plainfield, 5:30 p.m.

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

- 1. Checks received and signed to the county:
- 2. Whicker signed vehicle titles for the following:
- 3. Documents needing action:
  - a) Cincinnati Insurance Companies \$10,000 Bond Dan Fivecoat Sheriffs’ Department Deputy
  - b) Cincinnati Insurance Companies \$10,000 Bond David Stumm Sheriffs’ Department Deputy
  - c) Cincinnati Insurance Companies \$10,000 Bond Patricia L. Paris Sheriffs’ Department Clerk
  - d) H.J. Spier Co.. Inc.- Hendricks County Employee Health Plan effective January 1, 2008, document needed Whicker signatures.

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IN THE MATTER OF EMPLOYEE HEALTH INSURANCE

Commissioner Whicker acknowledged receipt of the H. J. Spier Co., Inc., Employee Health Insurance Plan for Hendricks County effective January 1, 2008 and presented the plan for execution. Commissioner Wathen moved to approve and accept the H. Spier Co. Employee Health Insurance Plan effective January 1, 2008, to authorize the President to sign the document and to be attested by the other two Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF HIGHWAY

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

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IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the April 7 through April 18, 2008 Human Resources report from Ron Love, Human Resources Director. Ron Love also included the updated internal telephone directory for Hendricks County Government offices.

Commissioner Wathen moved to adjourn the meeting at 10:50 AM. 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



