

February 24, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, February 24 2009, 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)	
Cinda Kattau		Hendricks County Auditor
David Gaston		Hendricks County Surveyor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Don Reitz		Hendricks County Planning Director
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 February 17, 2009 as corrected. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Wathen moved to approve Claims #191864 thru 191892, as advertised. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Commissioner Wathen advised of a meeting he attended with a potential developer at Exit 59.

John Ayers stated he had met with representatives of the Corp of Engineers and INDOT on the proposed wetlands at Exit 59 and they are working to resolve several issues.

Mike Graham reported Lauth and the County are working to resolve some contract issues with Veolia Water on servicing the Exit 59 area with water and they plan to bring the revised contract to the Regional Sewer Board meeting on Tuesday, March 3, 2009.

IN THE MATTER OF RONALD REAGAN PARKWAY

Commissioner Wathen advised of a meeting of the Funding Task Force for the Ronald Reagan Parkway last week and stated they hope to receive funding from the federal stimulus money for the Ronald Reagan Parkway.

Mike Graham gave a brief history of the Metropolitan Planning organization (MPO), and questioned pending local funding of the MPO. Hendricks County does not have voting representation on the MPO. It was the consensus of the Commissioners to add MPO to the March 3, 2009 Commissioner's agenda.

Receipt was acknowledged of the February 15, 2009 Appian report of the Ronald Reagan Parkway from Dennis

Faulkenberg

John Ayers announced the INDOT "Ready for Contract" date for the section from US 36 to CR 100S is April 30, 2009. The actual bid date would be approximately 90 days after that. The current estimate is \$12.5 million.

IN THE MATTER OF JUDICIAL CENTER

John Ayers advised the Advisory Committee for the Judicial Center Study will meet on Thursday, February 26, 2009 at 7:00 PM in the Government Center.

IN THE MATTER OF B&O TRAIL 5/10 K WALK/ RUN

Joshua Brewster, Vice President B&O Trail Association, made a request to close some roads for the B&O Trail Association 5/10K run/walk sponsored by Clarian West to be held on Saturday, September 12, 2009. Mr. Brewster presented a map showing the proposed route from the Clarian West facility and returning to Clarian West. He requested to close portions of several County roads from 8 – 12 AM on that date. There was discussion of the proposed route, the roads to close, date and possible conflict with activities at O'Riley Raceway Park that weekend. It was the consensus of the Commissioners for Mr. Brewster to check the schedule of O'Riley Raceway Park, consider an alternate route, look at a possible change of date and bring back for further consideration.

IN THE MATTER OF CR 350N - TAMMY COOPER

Tammy Cooper, CR 350N, came forward to express concerns on drainage problems on CR 350N and stated the water was washing out their driveway. John Ayers gave a brief history of drainage projects in this area that the County had worked on to resolve these problems. Surveyor David Gaston stated he will look at this site. It was the consensus of the Commissioners for County Engineer John Ayers and County Surveyor David Gaston to check this problem and bring back a recommendation.

IN THE MATTER OF LARRY AND MABLE LEINWEBER

Mabel Leineweber, Mooresville Road, advised they had attempted to minor plat a lot from their 35 acres where their house and buildings currently stand and are unable to complete the plat due to the excessive road right-of-way required by the Master Thoroughfare Plan. John Ayers explained the location of the property on the corner of two County roads and the set-back requirements set forth in the Subdivision Control Ordinance. He stated he is willing to reduce the required right-of-way along CR 571 E, but the requirement along CR 800S was not unusual and in his opinion did not create a hardship.. Larry Leineweber stated this 50 foot right-of-way requirement on two sides of their property would reduce the value of their property and nobody will want to buy the house and buildings with a

road right-of-way so close to the house. Mr. Ayers advised they could request a reduction of the road right-of-way requirements. It was the consensus of the Commissioners for County Planning Director Don Reitz to check with Attorney Greg Steuerwald on the appeal process requesting a waiver of the right-of-way requirements.

IN THE MATTER OF ORDINANCE NO. 2009-04
ZA 393-09: HALL INVESTMENTS

Don Reitz presented ZA 393/09 Hall Investments, request for a zoning amendment change from HB/Highway Business District and AGR/Agriculture Residential District to AGR/Agriculture Residential District and HB/Highway Business District for 9.06 acres in Liberty Township, located on the west side of State Road 39, approximately 0.75 mile south of US Highway 40. Mr. Reitz explained the Plan Commission held a Public Hearing for this zoning amendment on February 10, 2009 and sends with an unfavorable recommendation of 4-2-0. Commissioner Wathen stated he voted to approve this zoning request at the Plan Commission and moved to approve ZA 393/09: Hall Investments for the zoning changes requested. Commissioner Whicker seconded the motion for purpose of discussion. Commissioner Wathen explained four members of the Plan Commission voted to deny this request as they felt it was spot zoning and gave his reasons for voting favorably for this zoning request at the Plan Commission. Petitioner John Hall gave a brief history of this property and the zoning on this parcel and stated the 9.06 acres they are requesting for this rezoning is to establish a church at this location. The motion was approved unanimously as Ordinance No. 2009-04 by a vote of 3-0-0.

IN THE MATTER OF EMPLOYEE EVALUATION

Commissioner Wathen commended Don Reitz for starting the employee performance evaluations for employees in the Planning and Building Department.

IN THE MATTER OF NEIL AND PAM PATTISON – CR 1000 E

Commissioner Whicker announced that a phone call had been received from Neil and Pam Pattison advising they are unable to come in today to discuss flooding of CR 1000E, north of Clermont Lakes and that they will call and establish another date when they can come in on this matter. John Ayers pointed this location out on the map and explained problems they have had with flooding in this area.

IN THE MATTER OF SUBSTANCE ABUSE TASK FORCE

Receipt was acknowledged of a phone call from Christie Patterson, Pittsboro Police Department, advising she was unable to attend the meeting today and requested to come in next week to present the Substance Abuse Task Force report. It was the consensus of the Commissioners to add Ms. Patterson to the agenda for March 3, 2009.

IN THE MATTER OF WHEEL TAX

Mike Graham reported that during the joint meeting on February 12, 2009 there was a discussion about Wheel Tax and Council Member Dick Thompson raised a concern about small trailers being increased to \$40 rather than the current \$20. Mr. Graham stated he researched the question and a small trailer would pay \$25 dollars if the Council raised the Wheel Tax and Excise Tax. IC 6-3.5-4 County Motor Vehicles Excise Surtax establishes the amount of money the county can collect for primarily cars and light trucks. Under the definition section "Motor Vehicle" means a vehicle is subject to annual license excise tax imposed under IC 6-6-5. Under the definition section IC 6-6-5-1, it sets out the types of vehicles subject to the Motor Vehicle Excise Surtax. The definition of a trailer for purposes of these excise taxes is defined as,

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and is subject to annual registration as a condition of its operation on the highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat or other (2) wheeled trailer.

He further stated that by this definition owners of smaller trailers would pay \$25 if the County Motor Vehicle Excise Surtax was raised to maximum specific amount under the code and he has provided this information to Council Member Thompson and he agrees that small trailer surtax would be \$25 if the excise surtax was raised.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham presented a draft letter from the Commissioners to Ms. Blacketer responding to her letter about problems with trying to adopt an animal at Animal Control. He stated that Mary Anne Lewis does not recall talking to Ms. Blacketer. Mr. Graham also stated Ms. Lewis is going to call Ms. Blacketer and see if she can help to address some of Ms. Blacketer's concerns. It was the consensus of the Commissioners to sign the letter, as presented, and forward a copy to the Chief Animal Control Officer, Mary Ann Lewis.

Mike Graham presented a draft memo to Mary Anne Lewis, Chief Animal Control Officer, setting the perimeters on the expenditures of donated money and directing Animal Control to prepare a receipt for all cash and non-cash donations. Mr. Graham stated there was a concern expressed by Ms. Lewis on writing a receipt for non-cash donations, however, Auditor Cinda Kattau has asked the State Board of Accounts for an opinion on providing receipts for non-cash items and the State Board of Accounts stated that non-cash items do not need a receipt. It was the consensus of the Commissioners to change the date on the memo to February 24, 2009, eliminate preparing a receipt for non-cash donations and forward the revised memo on donations to Mary Anne Lewis.

John Ayers reported there was no response to the Notice to Bidders that was advertised to tear down and remove

the old animal control facility. He also stated he is seeking a price by talking individually to contractors.

IN THE MATTER OF CR 400S

John Ayers responded to concerns expressed last week on pipeline cuts to CR 400S and explained the pipeline has not cut the road they actually bored under the road, however, the pipeline has settlement at two locations on CR 400S as a result of the heavy water flow in that area. He further explained that his staff checks the County roads in the pipeline area on a regular basis and the pipeline will repair any damage they have done to County Roads.

IN THE MATTER OF GOVERNMENT CENTER

John Ayers reported on carpet replacement in the Government Center and explained they are looking at using carpet squares rather than roll carpet as this would reduce the cost of moving office furniture. Mr. Ayers requested to obtain a quote for only hallway carpet, a quote for carpet only in the offices that need carpet replaced and a quote to carpet all the floors in the Government Center. It was the consensus of the Commissioners to obtain the three quotes as requested.

There was discussion of the bond money. It was the consensus of the Commissioners for Mike Graham to check if all of the bond money was to be spent.

IN THE MATTER OF MERLIN MARTIN PROPERTY

John Ayers stated he and the right-of-way buyer had been unable to contact Merlin Martin on the proposed property swap for right-of-way, however, they have left messages and expect to hear back this week.

IN THE MATTER OF CR 1000E

John Ayers advised they are shooting grades on CR 1000E to determine the flooding problems. Commissioner Wathen requested to look at the elevations for CR 1000E.

IN THE MATTER OF BROWNSBURG WAGE COMMITTEE

Receipt was acknowledged of an email from Attorney Jeff Logston, law firm of Kroger Gardis & Regas, for an appointment from the Town of Brownsburg to serve on the Common Wage Committee for an expansion of the Brownsburg Wastewater Treatment Plant. Mr. Logston advised this appointee must be a taxpaying individual who lives within the Brownsburg Wastewater Treatment area, however, he provided no names. Commissioner Wathen moved to appoint J. Kirk LeBlanc to the Common Wage Committee for the Brownsburg Wastewater Treatment Plant. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COURTHOUSE USE

Receipt was acknowledged of a request from Allison Barrows, Superior 2, to use the Courthouse Rotunda for a

high school open house on Saturday, May 30, 2009 from 1 - 4 PM for her daughter and the daughter of Walter and Shannon (Conley) Harris. Commissioner Whicker made a motion to approve the request of Allison Barrows for use of the Courthouse on May 30, 2009 to host a high school open house for two graduating seniors. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLERK'S OFFICE - CHAIRS

Receipt was acknowledged of a request from Clerk Cindy Spence to purchase five new office chairs for her staff. The Engineering Department obtained a quote from Continental Office Environments for chairs similar to the chairs currently in the Government Center in the amount of \$2,395, delivered. Commissioner Wathen moved to approve the purchase of five new chairs for the Clerk's Office in the amount of \$2,395 and to fund from the equipment line in the Commissioners' budget. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF TRIP TO CHICAGO TO MEET WITH RATING AGENCIES

Reference was made to Greg Guerrettaz taking a group of elected officials to Chicago to meet with rating agencies on March 5 and March 6, 2009. It was noted they plan to drive and would need to rent a van for the seven individuals planning to go. It was also noted the County has a van at Cypress Manor that is available and will seat 15 people. Rich Jensen has advised that any County employee can drive a County vehicle, therefore, anyone in the group, other than Mr. Guerrettaz, is qualified to drive this van. James McBryant stated the van would be available those two days, March 5 and 6, 2009 and he would be willing to have the oil changed and everything checked on the van before they go. By using this County van would save a considerable amount of money on transportation to Chicago. There was discussion of a driver for this van. It was the consensus of the Commissioners to check if any of the individuals going would be willing to drive this van to Chicago.

IN THE MATTER OF EMPLOYEES - BOTTLED WATER

Auditor Cinda Kattau stated several offices were purchasing bottled water from County funds and she had sent out an email to all offices advising this was not acceptable. There was discussion of the various departments and that some fund the water from employee contributions, however, several continue to use County funds. It was the consensus of the Commissioners for Cinda Kattau to request an opinion from the State Board of Accounts on this matter.

IN THE MATTER OF CR 300N

Commissioner Wathen relayed a Brownsburg Town Councilman's inquiry about County plans for improvements

on CR 300N and CR 700N. John Ayers stated there are no plans for changes of these roads at this time. He stated there is a possibility that CR 300N may be widened at some point, however, it is not on the plans at this time.

IN THE MATTER OF APPOINTMENT ALCOHOLIC BEVERAGE COMMISSION (ABC)

Receipt was acknowledged of the Certificate of Appointment to Local Alcoholic Beverage Board (ABC) from appointee Gordon Hitchings. It was the consensus of the Commissioners to execute this form.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence.

Correspondence:

1. Hoosier Heartland RC&D Annual Council meeting, Monday, February 23, 2009, 6:00 p.m., MCL Restaurant & Bakery, Castleton.
2. Cummins Behavioral Health Systems, Inc., Board of Directors Meeting, Thursday, January, 22, 2009, Board Conference Room, Avon, IN, 7:00 p.m.
3. IDEM ,Office of Water Quality, Facility Construction has received a sewer permit application for Avon Pointe in Avon, IN.
4. IDEM, Office of Water Quality, Notice of Decision To Issue A General Permit to Shell Station in Plainfield, IN.
5. Town of Avon, Avon Plan Commission has issued a zoning map amendment for the properties listed.
6. IDEM, Office of Air Quality, Receipt of Air Permit Application, OKI Systems Ltd.
7. IDEM, Office of Air Quality, Receipt of Air Permit Application, Siemens Healthcare Diagnostics, Inc.

Action needed/taken on the following:

1. Checks received and signed to the county:
 - a. Comcast \$30,133.31 2008 Franchise Fee
 2. Whicker signed vehicle titles for the following: None
 3. Documents needing action: None
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IN THE MATTER OF CABLE FRANCHISE FEES

Commissioner Wathen inquired if the check from Comcast for 2008 Franchise Fees in the amount of \$30,133.31 could be used for roads. It was the consensus of the Commissioners for Mike Graham to discuss this fund with Attorney Greg Steuerwald.

IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the February 15, 2009 Weights and Measures monthly report from Charles Colbert, Weights and Measures Inspector.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the February 17 to February 21, 2009 Highway report from Martin Summers, Highway Superintendent.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the February 16 through February 20, 2009 Human Resources report from Ron Love, Human Resources Director.

Commissioner Wathen moved to adjourn the Commissioners’ meeting at 11:25 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
