

March 17, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, March 17, 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	)	
Gregory E. Steuerwald		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
John Ayers		Hendricks County Engineer
James McBryant		Cypress Manor Superintendent
Michael E. Graham		Administrator to Commissioners

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

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IN THE MATTER OF MINUTES

Commissioner Wathen moved to approve the minutes of March 10, 2009 as corrected. Commissioner

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

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IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Claims #192790 thru 192804 and #192447 thru 192722, as submitted. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF BLUE HOUSE – 839 SOUTH TENNESSEE STREET

Commissioner Whicker announced that Notice to Bidders for accepting bids for the blue house, located at 839 South Tennessee Street in Danville, also known as Lot 16 in Wilson's Addition in Danville, has been duly advertised for 9:30 AM and as it was 9:30 AM. Commissioner Wathen moved to close bids for the County property located at 839 South Tennessee Street. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. John Ayers stated only one bid had been received. Mr. Ayers opened the bid and read the bid of \$25,000 from Danny Rinehart. It was the consensus of the Commissioners to take this bid under advisement and bring back a decision next week.

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IN THE MATTER OF EXIT 59

Commissioner Whicker stated they are beginning to install the sewer lines for Exit 59. Commissioner Whicker also advised they are continuing to work on a Memorandum of Understanding (MOU) with Kite as they have a prospective client for their project at Exit 59.

John Ayers stated INDOT does not want to be a partner with the County for the wetlands mitigation at Exit 59. Mr. Ayers also stated they are looking at a process to transfer the property of the wetlands mitigation area from the Regional Sewer District to Hendricks County. Commissioner Wathen reported on the discussion of this parcel

for wetlands mitigation and of the property transfer during the Regional Sewer Board meeting earlier today.

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IN THE MATTER OF RONALD REAGAN PARKWAY

Commissioner Wathen stated we will know next week if Hendricks County will receive federal stimulus money to build the bridge over the CSX Railroad on Ronald Reagan Parkway in Avon. John Ayers reported Senator Evan Bayh was opposed to this project as an earmark.

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IN THE MATTER OF SEWERS

Commissioner Whicker announced the Regional Sewer Board would have a workshop at 1:00 PM today in the Government Center room #3 to discuss sewers for the area of I-74 and the Ronald Reagan Parkway and for Exit 59.

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IN THE MATTER OF JUDICIAL CENTER

John Ayers stated the Judicial Center Advisory Committee will visit the Hamilton County and Johnson County judicial centers this week and Monroe County next week. Commissioner Palmer advised she will visit the Johnson County and Monroe County judicial center on behalf of the Commissioners, but cannot visit the judicial center in Hamilton County.

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IN THE MATTER OF JOINT MEETING

Commissioner Whicker announced the Commissioners and Council joint meeting scheduled for Thursday, March 26, 2009 at 4:00 PM in the Government Center.

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

Commissioner Wathen reported he had received notice of the bond rating for the 56<sup>th</sup> reconstruction project with an A-1 and A+ rating, which are better than previous ratings. It was noted the bonds will be sold today.

John Ayers stated the utility companies have been on site relocating their utilities along 56<sup>th</sup> Street.

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IN THE MATTER OF WISHES TO BE HEARD

Commissioner Whicker asked if there was anyone in the audience had any Wishes to be Heard. There were none.

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IN THE MATTER OF ORDINANCE 2007-27

Receipt was acknowledged of March 9, 2009 letter from Tom Downard, Avon Chamber of Commerce; Walt Duncan, Brownsburg Chamber of Commerce; Amanda Smale, Danville Chamber of Commerce; and Kent McPhail, Plainfield Chamber of Commerce, relative to Ordinance No. 2007-27 for permits and fees for temporary food establishments. Mike Graham explained this ordinance requires a separate temporary food permit for each vendor for each farmer's market rather than having a vendor obtaining one seasonal permit and these permits are required for

those vendors who choose to provide samples of their product for tasting. He stated that understandably, the Health Department is primarily concerned that the vendors use the appropriate sanitary procedures when providing samples of products and because each vendor who provides food samples is inspected at each farmer's market it is logical to require a permit fee for each event. He further stated the Chambers would like to see a seasonal permit rather than individual permits, however, the only problem with providing a seasonal permit is the fees collected by the County for the inspection services will be reduced.

Kent McPhail, Plainfield Chamber of Commerce, explained due to the enforcement of this ordinance by the Hendricks County Health Department they would be unable to maintain the summer "Farmers' Markets". He stated the local chambers sponsor two markets in Plainfield and one each in Avon, Brownsburg and Danville. He further stated he felt the required permit is too high and that none of the five surrounding counties require a \$25 permit per event like this. Mr. McPhail stated these markets are providing a public service to provide fresh produce to the citizens of these communities during the growing season.

Krista Glick, Environmental Health Department, explained the interpretation of this ordinance and presented a revised policy with changes that the Environmental Health Department plans to take to the Hendricks County Health Board at their next meeting on April 7, 2009 at 7:00 PM. This change would require only one permit. The revised policy presented:

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***Policy for Permitting  
Temporary Food Establishments  
at Farmers' Markets***

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***All food vendors at a Hendricks County farmers' market must comply with the Indiana State Department of Health's Retail Food Establishment Sanitation Requirements Title 410 IAC 7-24 and the Hendricks County Food Ordinance No. 2007-28.***

***Both Title 410 IAC 7-24 and Ordinance No. 2007-28 define a Temporary Food Establishment as "a retail food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration with the approval of the organizers of the event and celebration". Farmers' markets could be considered operating as a single event or celebration on non-consecutive days. Therefore, the Hendricks County Health Department could accept one permit application and fee for each food vendor at each location for that season.***

***In order to qualify, the food vendor must be named on a list from the Farmers' Market Master. The list from the Farmers' Market Master shall include the name and contact information of each food vendor, a list of foods to be served by each food vendor, and the dates the farmers market is planning to operate. A Temporary Food Establishment application and fee must be submitted for each farmers' market location. The Temporary Food Establishment at a farmers' market may not operate for more than fourteen (14) consecutive days and no more than thirty (30) days in one calendar year at one location. Foods served under this fee may be limited to the sampling of non-potentially hazardous foods.***

***If the food vendor does not qualify, a Temporary Food Establishment permit may be issued for each event of consecutive days.***

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Greg Steuerwald explained these changes could be adopted as a resolution by the Health Department. Commissioner Whicker requested that the chambers be given copies of these changes. The chambers representative said the policy was good and they would support it. They thanked the Commissioners and Health Department for offering a solution to the problem.

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#### IN THE MATTER OF GORDON GRAHAM AIRPORT

Al Bennett, Indianapolis International Airport Board Member, introduced Bob Duncan, Director Indianapolis International Airport; Susan Zellers, Indiana Airport Planning; and Brad Hamilton, Crawford, Murphy and Tilley. Brad Hamilton presented the 20-year plan for the Gordon Graham Field to 2027. He gave a brief history of the Gordon Graham Field, explained the operations, services available, accommodations, facilities and activities at this Hendricks County Airport. He announced an airport informational meeting to be held on Tuesday, April 24, 2009 at the Hendricks County 4-H Fairgrounds and Conference Complex at 7:00 PM.

Al Bennett expressed appreciation to the Commissioners for their approval of changing the zoning classifications around the airport area.

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#### IN THE MATTER OF MR. AND MRS. GUS CAMPBELL

Mike Graham explained that he had been contacted by Mr. and Mrs. Gus Campbell, 8980 Watkins Lane, located on the corner of Watkins Lane and CR 900S in Liberty Township, about 0.5 mile west of SR 39. He stated they want to convert a porch into a sun room, however, the rear porch is 1.5 feet from the septic tank and the standard is 10 feet. The Health Department wants the septic tank dug up and relocated to gain the 10 foot separation standard from the house to the septic tank. He further stated he has talked to Cathy Grindstaff and she will not give a waiver of the standard. The Planning Department requires builders to submit their plans to the Health Department for review prior to issuing a building permit in order to have the cooperation and coordination between departments. Mr. Graham explained there is nothing in the ordinances that mandates this review and gave the following options: Options: (1.) have Mr. and Mrs. Campbell present their concerns at a Commissioners' meeting, (2.) tell the Campbell's that this is an issue for the Health Department and the Commissioners will not get involved in or (3.) ask the Planning Department to issue the permit without the Health Department's review. Attorney Greg Steuerwald requested to further review the ordinance. It was the consensus of the Commissioners for Greg

Steuerwald and Mike Graham to review the ordinance and report back next week.

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Commissioner Palmer moved to recess the Commissioners' meeting for the Tech Board at 10:30 AM. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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Commissioner Whicker opened the Tech Board at 10:31 AM with John Parsons, Systems Administrator and Doug Morris, Webmaster, joining the meeting.

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#### IN THE MATTER OF TECH BOARD

John Parsons stated the Federal HAVA (Help America Vote Act) has exhausted their funds and have now reassigned all voting equipment, computers, software, etc. to the counties for maintenance. He explained this equipment is three years old and the County will now be responsible for all costs. Mr. Parsons stated he will convert the computers that were purchased with Federal funds over to the County network.

John Parsons presented a letter from Coroner Joe Neuman with a request for computer equipment. The letter stated Hendricks Regional Health will provide the Coroner with office space, most furniture, file cabinets and phone service for two phone lines and a dedicated fax line, at no cost to the County. Doug Morris reported he has reviewed this list and provided information on the computer, copier and fax equipment with the cost of each item for a total of \$3,025. Mr. Morris stated he has also checked with other counties and found the majority of them were providing equipment, furniture, etc for the Coroner. It was noted the members of the Matthews's family have served as coroner for many years and used the equipment in their funeral home so the County has been very fortunate and have not previously incurred these expenses. Commissioner Palmer moved to approve the purchase of the equipment requested by the Coroner and authorize the computer Department to order this equipment up to \$3,025. Commissioner Wathen seconded the motion and the motion was approved unanimously. The Commissioners expressed their thanks and appreciation to the Matthews Family and to Hendricks Regional Health for their assistance in providing office space and equipment for the County Corner.

John Parsons explained the State required Phase 2 field certification of software and stated both X-Soft and Low software have been certified, but it has to be certified again in actual operations. Auditor Cinda Kattau advised the Auditor's Office has completed their portion of the certification. John Parsons clarified IT would need to be involved in the software process and that the State was looking for a lead person. There was discussion of the possible cost of \$7,000. Doug Morris explained other counties were thinking about county IT personnel doing the certification rather than consultants. It was the consensus of the Commissioners for John Parsons and Cinda Kattau to work together on this project.

Mike Graham reported that several weeks ago John Parsons requested \$9,000 for additional Assessor software for three satellite assessor offices. The primary reason for the new software is the old software was not approved by DLGF and new software is. He stated a concern of the Commissioners was centered on if there was any cost savings when the township assessors were consolidated with the County Assessor and according to Gail Brown there has been some cost savings, but it will not be significant because the work still has to be done. Mr. Graham stated there are current township assessor salaries and leases that will be paid for through 2009. All former trustee/assessors of Eel River, Marion, Clay, Franklin, Middle, Liberty and Union will be paid a total of \$30,943 for 2009. The deputy township assessors are not being paid. At the end of the year the lease on the Lincoln Township office lease expires and the office closes with a savings of \$6,900 per year. The Assessor plans to maintain satellite offices in Guilford \$1,000 per year, Brown \$900 per year and Washington \$8,664 per year with the Washington Township lease expiring at the end of December 2010. Assessment of new construction was through a contract with Jay Real Estate at \$21,000 per year. Ms. Brown has eliminated the contract and she has Harold Hiser and Larry Scott doing the work saving \$21,000 per year. Mike Watkins the commercial appraiser has retired and he was making \$41,000 plus benefits per year. Rather than hire a replacement she retained the services of the Nexus Group for commercial assessments at \$22,400 per year. Mr. Graham stated in summary the Assessor is saving the County some money. She also has an obligation to pay certain salaries and leases and is primarily maintaining the 3 three satellite offices because of the need for space and the continued lease obligations. Commissioner Wathen moved to approve the request for \$9,000 for additional Assessor software for three satellite assessor offices, as requested by the Assessor. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

John Parsons reported Planning Director Don Reitz has requested to add some information onto the County web page. Doug Morris explained what was included in this request and some concerns. It was the consensus of the Commissioners for the IT Department to further study this request.

Commissioner Wathen moved to adjourn the Tech Board at 10:55 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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Commissioner Whicker reconvened the Commissioners' Meeting at 10:56 AM.

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IN THE MATTER OF CYPRESS MANOR

James McBryant presented a request from Center Township Trustee Judy White, to admit a young man as a

resident in Cypress Manor for three months in order for him to save money to be able to be on his own. Mr. McBryant stated this request is contingent on the individual paying \$100 per month to Cypress Manor and of saving a portion of his salary. Commissioner Palmer moved to approve the individual presented as a resident to Cypress Manor based on the recommendation of the Superintendent. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CONSERVATION CLUB DAM

John Ayers acknowledged receipt of a letter from the Department of Natural Resources (DNR) regarding re-inspection of the Conservation Club dam. He stated Banning Engineering did the original study and presented an agreement with Banning Engineering for this re-inspection of the Conservation Club dam. Commissioner Wathen moved to approve the agreement with Banning Engineering to do the re-inspection of the Conservation Club dam and authorize the President to sign the agreement. Commissioner Palmer seconded the motion and the motion was approve unanimously 3-0-0.

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IN THE MATTER OF BRIDGE NO. 272

John Ayers reported the Historical Railroad Bridge no. 272, located on CR 550W, that they have applied for federal funding is on the Federal list of historical bridges. He explained the requirements and options and advised that USI has submitted the necessary information.

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IN THE MATTER OF GOVERNMENT CENTER

John Ayers stated the test for the new back-up generator in the Government Center worked fine with no problems.

John Ayers advised they are working with carpet representatives for replacement carpet in the Government Center and that they will need to work with the carpet after hours and weekends to make the installations in the offices as they cannot be closed during working hours. He stated it may take up to a year to complete the installation and they will specify the hours in the contract so we will not have to pay extra for this installation.

John Ayers explained they are continuing to work on window replacements in the Government Center and they should begin the replacements this spring.

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IN THE MATTER OF WORK RELEASE

John Ayers reported there is a balance in the work release bond and gave several options for use of these funds. There was discussion of the alignment of the new road going back to the work release center and animal control facility. Mr. Ayers advised they are working on this alignment.

There was discussion of a name for the buildings located with the work release center, animal control and

multiplex. Commissioner Wathen moved to name the facility Hendricks County East. Commissioner Palmer seconded the motion. There was discussion of this proposed name. Commissioner Wathen withdrew his motion and Commissioner Palmer withdrew her second. Commissioner Palmer moved to name the facility the Hendricks County Government East Campus. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

There was also discussion of the sign to be placed on Main Street in front of the work release and multiplex. It was the consensus of the Commissioners the sign should be the same style of the new sign in front of Cypress Manor. The Commissioners requested John Ayers to design a draft sign and bring back for review.

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IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. IDEM, Office of Water Quality, Permit Applications, Town of Brownsburg, Combined Sewer Overflow Storage Facility.
2. Cummins Behavioral Health Systems, Inc. Board of Directors Meeting, Thursday, march 19, 20909, Milestone Clubhouse, Greencastle, Indiana at 6:30 p.m.

**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 HIGHWAY

Receipt was acknowledged of the weekly Highway report form Martin Summers, Highway Superintendent.

Receipt was acknowledged of a letter from Downey Insurance, stating the February 27, 2009 employee training session at the Hendricks County Highway Garage went very well.

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IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the weekly Human Resources report from Ron Love, Human Resources Director.

Commissioner Wathen moved to adjourn the Commissioners' meeting. 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

Eric L. Wathen, Member

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