

May 12, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, May 12, 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
Paul T. Hardin		Hendricks County Recorder
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
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 Palmer moved to approve the minutes of May 5, 2009 as corrected. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Wathen moved to approve Claims #194484 thru 194760, #194477 thru 194883. #194426 thru 194439, #093036 thru 093166 and direct deposits #0408993 thru 048972, 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 he would be meeting on May 21, 2009 with a potential developer at Exit 59. Mike Graham stated the Memorandum of Understanding (MOU) with Kite for Exit 59 had not yet been executed. Mike Graham reported no permits have been requested by representatives of Love's Truck Stop. There was discussion of obtaining permits for development at Exit 59 before the sewer lines were in the ground. John Ayers explained the process the Plan Administrative Staff approved for Love's Truck Stop.

John Ayers presented a Contract Amendment #1 EDS #A249-09-430692, a programmed Road Rehabilitation project (Des. No. 9608950) on SR 39 in front of the Westpoint Business Park, near Exit 59, and stated Hendricks County is working with the State of Indiana on this project. Commissioner Palmer moved to approve the Amendment #1 EDS #A249-099-320692 between Hendricks County and INDOT for SR 39 and authorize the President to sign on behalf of the Commissioners. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers gave a list of dates that would be involved in the approval process of funding for the Ronald Reagan Parkway from US 36 to CR 100S by the MPO and stated that these will all be completed by the end of June.

John Ayers presented a draft letter to Congressman Steve Buyer thanking him for his continued support of the Ronald Reagan Parkway and requesting consideration of the SAFETELU reauthorization funding request for the Ronald Reagan Parkway between CR 100S and CR 200S. It was the consensus of the Commissioners to approve the letter to Congressman Buyer and authorize the President to sign on behalf of the Commissioners.

IN THE MATTER OF JUDICIAL CENTER

John Ayers advised there was nothing new to report on the judicial center. Steve Craney, Banning Engineering, stated the next meeting of the Advisory Committee for the judicial center will be Thursday, June 11, 2009 at 7 PM in the Government Center.

IN THE MATTER OF MABEL LEINEWEBER

Ms. Mabel Leineweber, 5757 E CR 800S, Mooresville, came forward as a :”Wishes to be Heard”, to comment on the process of releasing names of individuals filing complaints about neighbors that were not in compliance with the Zoning Ordinance and the County’s delay in enforcement. Greg Steuerwald explained that the procedure had changed over the years regarding releasing the complainant’s name, however, he will research the questions and report back to Ms. Leineweber. Mr. Steuerwald also explained the County’s process of working with neighbors to bring them into compliance and stated the County does not have sufficient funds to actively enforce fines against citizens, but does work with them. Commissioner Whicker stated they will check with Paul Wilson, Zoning Inspector, on the status of the complaint filed by Ms. Leineweber.

IN THE MATTER OF B&O TRAIL

Diana Virgil, President B&O Rails to Trails, presented the purchase sale agreement with the CSX Transportation, Inc. for the purchase of 179.825 acres, more or less, in the amount of \$1,677,000.00, to be used for development of the B&O Trail through Hendricks County. Greg Steuerwald stated he had reviewed the agreement. Commissioner Palmer moved to approve the Purchase Agreement for 179.825 acres from the CSX Railroad in the amount of \$1,677,000.00 and authorize the President and Vice President to sign on behalf of the Commissioners. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Diana Virgil explained the phases of the proposed B&O Trail and advised they are working with the Town of Brownsburg as a portion of the trail is in Brownsburg and of the two bridges they will need to build. Ms. Virgil gave

the dates and schedule they need to meet in order to be eligible for ARRA (stimulus) funds for construction and stated they need \$30,000 in local funds in order to expedite the design and permitting required. She stated the remainder of the design cost can be paid from Federal Aid Transportation Enhancement funds, but the contract will not be approved by INDOT for some time. She also stated she had attended a Park Board meeting and talked with Bill Roche, Park Superintendent, requesting financial support from the Park Board. John Ayers explained the Park Board will soon have the bid opening for the bridge at McCloud Park and they will know their financial situation when they see where the bids come in. He indicated if the bids are lower than anticipated the Park Board may have funds to help the B&O trails with their initial \$30,000 in design fees. Mr. Ayers also relayed comments from his discussion with DNR regarding the ARRA funds.

John Ayers stated the soils tests are required before the Purchase Agreement is finalized and stated they have advertised for proposals for soil sampling and testing as required by the Purchase Agreement with CSX Railroad and received responses from the following vendors:

PSI	Alt and Witzig	Chicago Testing Lab	ATC
Patriot Engineering	Testech	IWM	K&S Engineering

There was discussion of using out of state firms. It was the consensus of the Commissioners for the Engineering Staff to review proposals for soil testing for the B&O Trail and make a recommendation.

IN THE MATTER OF CYPRESS MANOR - FSSA CONTRACT

James McBryant presented the FSSA contract for Cypress Manor and explained a small change. Greg Steuerwald advised he had reviewed this contract, but requested to delay this contract one week due to some insurance questions he had and stated he is working with Rich Jensen, Stevenson-Jenson, on these issues. Commissioner Palmer moved to table the FESS contract with the State of Indiana for Cypress Manor, as requested by the County Attorney.

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

IN THE MATTER OF MULTI HAZARD MITIGATION POLICY

Commissioner Whicker announced we had received word from the Emergency Management Director they had not received the Multi Hazard Mitigation Policy, therefore, it had not been advertised for a public hearing. It was the consensus of the Commissioners to take the Multi Hazard Mitigation Policy off the agenda until they were ready to present.

IN THE MATTER OF EMPLOYEE APPRECIATION DAY

Receipt was acknowledged of an email from Amanda Jensen, Executive Director Greater Danville Chamber of Commerce, advising that the Town of Danville, Danville Chamber of Commerce and the Convention and Visitor's Bureau plan to host the second annual Employee Appreciation picnic lunch on the Courthouse square and requesting approval to set the band students up on the Courthouse lawn and to borrow chairs from the Courthouse on Friday, May 15, 2009. It was noted Ms. Jensen made this same request last year. Commissioner Palmer moved to approve the use of the Courthouse lawn on Friday, May 15, 2009 for the Danville sponsored Employee Appreciation Day and request that the lawn be left clean. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF FLEET MANAGEMENT

Mike Graham reported that he, Commissioner Palmer and Terry Kennard met to discuss our fleet management policies, or the lack of policies. He reported they agreed that we need to put into place written policies for the purchase, maintenance and disposal of the civilian fleet vehicles. Mr. Graham stated that one of the first steps is have Terry Kennard to meet and interview the Department heads to get an understanding of the need and the type of vehicles wanted and further stated these interviews will be done in all departments that use vehicles except the Highway and the Sheriff. Commissioner Palmer stressed the need to establish a fleet policy. It was the consensus of the Commissioners for the Committee to proceed developing a fleet management policy for the County's civilian fleet vehicles.

IN THE MATTER OF HENDRICKS COUNTY EAST CAMPUS – EXPO HALL

Mike Graham stated he had received an email from Sheriff David Galloway asking the Commissioners to please plan an alternative storage building before the Exhibition Hall is torn down at the East Campus. He stated the Sheriff's Department has increased the use of this building for the storing of recovered property from burglaries and seized property from drug enforcement and stressed the building is important to the Sheriff and other departments. Mr. Graham further advised the alternatives are to relocate the proposed road or find another storage building. There was discussion of other available space for storage. It was the consensus of the Commissioners for the Engineering Department to check other available buildings in the area that could be used for storage by the Sheriff's Department.

IN THE MATTER OF EDIT POLICY

Mike Graham presented another draft of the proposed EDIT policy and explained it has been expanded to include other infrastructure improvements. There was discussion of these suggested changes. It was the consensus of the

Commissioners for Mike Graham to make these changes, as discussed, and to bring back for further consideration.

IN THE MATTER OF ENERGY GRANT

Mike Graham reported that Jim Andrews, Assistant County Engineer, has registered the County for the energy grant stimulus money and stated the next step is to hire a consultant to develop an energy strategy that will satisfy the Energy Department. There was discussion on what process to use to select a consultant. It was the consensus of the Commissioners for Mike Graham and John Ayers to meet with several consultants, both in state and out of state, and to report back.

IN THE MATTER OF LAWN MOWERS

Mike Graham reported Elvin Cassity, Custodial Superintendent, has evaluated the large golf course lawn mower that Commissioner Wathen recommended and he feels the mower is too big for his needs. He has obtained some prices from Edwards Equipment Co. in Danville:

Kubota 27 HP 54" ZG 227 C Grade Commercial Mower	\$7,500
Kubota 22 HP 48" ZG 222 C Grade Commercial Mower	\$6,899
Land Pride 54" ZXT Pro C Grade Commercial Mower	\$7,100
Gravely 25 HP 52" ZT 2552 Heavy Duty Grade	\$5,099
Gravely 27 HP 60" ZT 2760 Heavy Duty Grade	\$5,659

Mr. Graham stated Mr. Cassity is recommending the \$7,500 Kubota. Commissioner Whicker moved to approve the purchase of a mower up to \$7,500 from Edwards Equipment. Commissioner Wathen seconded the motion and the motion was approved 2-1-0 with Commissioners Whicker and Wathen voting aye and Commissioner Palmer voting nay. Attorney Greg Steuerwald requested Mr. Cassity to obtain two additional quotes from other vendors for comparison before the mower is purchased.

IN THE MATTER OF ORDINANCE 2009-14
VACATION OF STREET IN NORTH SALEM

Attorney Ben Comer sent notice that the request he presented last week on behalf of George and Peggy Ford for a street vacation in North Salem, and was approved, should have been in the form of an ordinance. It was noted that Mr. Comer has now presented this form for Commissioners' signatures and the assignment of an ordinance number. It was the consensus of the Commissioners to ratify the action taken May 5, 2009 on the request of George and Peggy Ford for a street vacation within the Town of North Salem, pursuant to the public hearing, and to assign Ordinance No. 2009-14: Vacating of Public Street Right-of-Way.

IN THE MATTER OF VETERANS AFFAIRS

Receipt was acknowledged of the April 2009 monthly Veterans report from Lori Turpin, Service Director.

IN THE MATTER OF POLICE MEMORIAL SERVICE

Receipt was acknowledged of an email from the Sheriff's Department advising they are planning their annual Police Memorial Service at noon on Friday, May 15, 2009 in the Courthouse rotunda. A request was also received from Megan Morgan, Jail Matron, for a Proclamation and a request for a Commissioner to read this Proclamation during the program. Commissioner Whicker read the following proclamation:

PROCLAMATION DECLARING

***MAY 11 THRU MAY 17, 2009 NATIONAL POLICE WEEK
AND
MAY 15, 2009 POLICE MEMORIAL DAY***

WHEREAS, the Congress of the United States of America has designated the week of May 11, 2009 to be dedicated as "National Police Week" and May 15, 2009, to be designated "Police Memorial Day", and

WHEREAS, the law enforcement officers are our guardian of life and property, defenders of individual rights, warriors in the war against crime and dedicated to the preservation of life, liberty and the pursuit of happiness, and

WHEREAS, the County of Hendricks desires to honor the valor service and dedication of its own police officers, and

WHEREAS, it is known that every two days an American Police Officer will be killed in the line of duty somewhere in the United States and 136 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere, and

We therefore proclaim the week of May 11 to May 17, 2009, to be Police Week and call upon all our citizens in this community to especially honor and show our sincere appreciation for the police officers of this city/county who serve and protect our loved ones, property and government against all who would violate the law.

Signed this 12th day of May, 2009, at the County of Hendricks, State of Indiana in the witness thereof the seal of Hendricks County and the signatures of the county are affixed.

SEAL

Signed

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

Commissioner Palmer moved to approve and sign the proclamation for Police Memorial Day. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. Commissioner Palmer volunteered to read the proclamation during the May 15, 2009 Police Memorial program.

IN THE MATTER OF VETERANS AFFAIRS

Receipt was acknowledged of the April 2009 monthly Veterans report from Lori Turpin, Service Director.

IN THE MATTER OF CLAIM – LITTLETON AND SONS SAND & SUPPLY

Receipt was acknowledged of a Notice of Claim from Rubin & Levin, A Professional Corporation, relative to Littleton and Sons Sand & Supply, Inc. vs Rhino Excavating, for \$20,469.92 professional services performed on the construction project known as Hendricks Regional Health Northwest Expansion. It was noted the original was hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

IN THE MATTER OF CLAIM – GLADYS M. DEEMS

Receipt was acknowledged of a Notice of Claim from Howard & Lawson, Attorneys at Law, relative to incident of Gladys M. Deems on November 3, 2008, with the Washington Township/Avon Fire Department. It was noted the original was hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

IN THE MATTER OF JOINT MEETING

Commissioner Whicker announced the Commissioners and Council would hold a joint meeting at 4 PM on Thursday, May 14, 2009 in the Hendricks County Government Center.

IN THE MATTER OF CONSTRUCTION INSPECTIONS

John Ayers presented an agreement with Crawford, Murphy and Tilly for on-call part-time construction inspections through December 31, 2011 with the standard schedule of hourly charges effective January 1, 2009. Commissioner Wathen moved to approve the construction inspection agreement with CMT and to execute the agreement. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CR 700N - CLOSING

John Ayers reported INDOT would be closing CR 700N, east of SR 267, over this next week-end and they have requested to route traffic over CR 900E and 56th Street (CR 600N) as a detour. Mr. Ayers explained the County would have no liability with this detour. It was the consensus of the Commissioners to approve the request of INDOT to use CR 900E and 56th Street as a detour this week-end while CR 700N was closed for repair.

IN THE MATTER OF COUNTY TELEPHONES

John Ayers explained that due to the large number of calls to 911 from County telephones as a result of employees misdialing the prefix #9 for outside lines they have now changed the prefix to #7 for all outgoing calls.

IN THE MATTER OF MUSEUM

John Ayers gave a brief update on the paving and concrete work being done at the Hendricks County Museum. Mr. Ayers stated that the Town of Danville is paying for the new alley at the museum.

Commissioner Whicker stated the museum staff is very pleased with working with the Engineering Department on improvements at the museum.

IN THE MATTER OF NORTHERN ACRES

Commissioner Wathen inquired the status of drainage issues in Northern Acres. John Ayers responded they are waiting for Brownsburg to complete their sewer project before starting on the drainage issues.

IN THE MATTER OF TILDEN TERRACE

John Ayers advised they have received plans to correct drainage problems in Tilden Terrace and he will review these plans and then bring back with a bid date to resolve this problem. He further stated he plans to let the bid in June 2009.

IN THE MATTER OF CLERMONT HEIGHTS

There was discussion of drainage problems in Clermont Heights. Mike Graham advised Clermont Heights is still under advisement.

IN THE MATTER OF CR 200S

Commissioner Palmer stated CR 200S between CR 800E and CR 900E is in bad shape and in need of repair. John Ayers stated he thought this portion of CR 200S is partially within the Town of Avon and he will check and if it is in Avon he will report this to them for their consideration.

IN THE MATTER OF RECORDER'S OFFICE

Recorder Paul T. Hardin advised all of the records in the Recorder's Office went on line in February and as of this date they have netted \$1,200 for their department.

IN THE MATTER OF CLERK'S OFFICE

Receipt was acknowledged of an email from Clerk Cindy Spence advising of her expenditure of \$35 to resolve her space problem with the purchase of four used metal bookcases and three used wooden bookcases from Indiana State Surplus Furniture. The Commissioners commended Ms. Spence on her watchful spending of taxpayers' money.

IN THE MATTER OF EMERGENCY MANAGEMENT BOARD

Commissioner Wathen announced the Emergency Management Board will meet on Thursday, May 24, 2009 to decide the make-up of this board.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

- a. Birch telecom, Inc. \$223.82
2. Whicker signed vehicle titles for the following:
3. Documents needing action: None
- .

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the May 4 through May 8, 2009 Highway report from Martin Summers, Highway Superintendent.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the May 4 through May 8, 2009 Human Resources report from Ron Love, Human Resources Director.

Commissioner Palmer moved to adjourn the Commissioners' meeting at 11:15 AM. Commissioner Wathen 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
