

January 5, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, January 5, 2010 with a quorum of two (2) Commissioners in the Commissioners' Meeting Room on the first floor of the Hendricks County Government Center with the following in attendance:

David A. Whicker)	
Eric L. Wathen)	Hendricks County Board of Commissioners
Gregory E. Steuerwald		Hendricks County Attorney
Judge Jeffrey Boles		Hendricks County Circuit Court
David Gaston		Hendricks County Surveyor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to the Commissioners
Judith Wyeth		Secretary to the Commissioners

NOTE: Commissioner Palmer was on vacation and Auditor Kattau was ill and they did not attend the meeting.

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

IN THE MATTER OF JAIL REPLACEMENT ROOF BIDS

Commissioner Whicker announced the bids for the jail replacement roof had been duly advertised for 9:30 AM and that it was now 9:31 AM. Commissioner Wathen moved to close bids for the jail replacement roof. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

John Ayers opened and read the following bids:

HRC Roofing	\$315,000	R. Adams Roofing	\$269,988
Fort Wayne Roofing	\$253,800	Hinshaw Roofing	\$320,000
Smither Roofing	\$339,900	AAA Roofing	\$333,124
E & L Sheet Metal Roofing	\$289,000		

It was the consensus of the Commissioners for the Engineering staff to review these bids and bring back a recommendation. John Ayers stated they will bring back a recommendation to the January 12, 2010 meeting.

IN THE MATTER OF MINUTES

Commissioner Wathen moved to approve the minutes of the December 22, 2009 meeting, as corrected. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF CLAIMS

Commissioner Wathen moved to approve Claims #201708 thru 201713, #201638 thru 201644, #201645, #201665 thru 201689, #201703 thru 201708, #095007 thru 095132 and direct deposit #055006 thru 055398, as presented. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF EXIT 59

Commissioner Whicker announced the sewer project at Exit 59 is scheduled for completion on January 8, 2010.

Mike Graham stated they are waiting on a contract for the water line at Exit 59 and plan to present this contract at the January 12, 2010 meeting

Mike Graham requested direction to work with the Fire Department Liberty Township for equipment to provide service to Exit 59. There was discussion of funding for this equipment. Commissioner Wathen made a motion that as part of the agreement with the Centerline project to allow \$600,000 for the Fire Department Liberty Township to be funded from EDI T and repaid from TIF funds and with joint determination between the Hendricks County Board of Commissioners and the Fire Department Liberty Township to purchase the appropriate equipment from these funds. Commissioner Whicker seconded the motion and the motion was

approved unanimously 2-0-0.

Mike Graham gave a brief update on the proposed Love’s Truck Stop at Exit 59 and stated they are awaiting water service.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers stated there would be a pre-construction meeting with Gradex on Wednesday, January 6, 2010 for the bridge over the CSX tracks on the Ronald Reagan Parkway.

IN THE MATTER OF TOURISM COMMISSION

Emory Lencke, Executive Director Hendricks County Convention and Visitor’s Bureau, advised the terms of four members of the Tourism Commission have expired and requested the reappointment of Lynne Fuller, Owner/President F2/Inc.; and Lew White, owner of Lew White Tours, to two-year terms. Commissioner Wathen moved to reappoint Lynne Fuller and Lew White, to two-year terms through December 31, 2011. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0. Mr. Lencke stated he will bring back recommendations to fill the other two positions at a later date.

Emory Lencke reported the Tourism Commission had opened RFP’s (Request for Proposals) for the construction of a convention center on December 8, 2009 and will be meeting with their consultant and attorney to review these proposals. He also advised the Convention and Visitor’s Bureau had recently purchased an additional eight acres adjacent to their previously purchased eleven acres to build this convention center. Mr. Lencke further advised there were two new lodging facilities opening this year, a Fairfield Inn and Suites in Avon and a new Comfort Inn in Plainfield. Also, the Super 8 in Avon is planning a renovation of their facility. He stated these facilities will be collecting the Innkeeper’s Tax for the County.

IN THE MATTER OF COMMUNITY CORRECTIONS ADVISORY COUNCIL

Mike Graham explained the Community Corrections Advisory Board will contain a total of 18 members, of which 11 members will be appointed by the Commissioners, and presented a summary of the various appointments to serve on the Community Corrections Advisory Council along with some recommendations. He explained the “educational administrator” and the “ex-offender” categories recommendations were not included. Mr. Graham recommended the educational administrator either be selected by the Commissioners or seek a recommendation from the school superintendents that they could select during their monthly meetings. It was the consensus of the Commissioners to request the school superintendents select a representative to serve as the “educational administrator” on the Community Corrections Advisory Council.

Mike Graham stated he and Greg Steuerwald are still working on an “ex-offender recommendation”. It was the consensus of the Commissioners to request the Adult Probation Director to make a recommendation for the “ex-offender” representative to the Community Corrections Advisory Council.

In compliance with the guidelines for the Advisory Council Mike Graham presented letters to Julie Richards, Program Manager for Healthy Families to serve or appoint a designee to serve, a letter to Prosecutor Pat Baldwin to serve or appoint a designee to serve, a letter to Sheriff David Galloway to serve or appoint a

designee to serve and a letter to Judge Jeffrey V. Boles requesting that he appoint three judges to serve on the Community Corrections Advisory Council. It was the consensus of the Commissioners to sign and send these letters requesting appointments to the Community Corrections Advisory Council.

IN THE MATTER OF BROWNFIELD LOAN

Mike Graham explained the Rolling Hills Brownfield Loan is a recurring problem and that earlier in 2009 the Commissioners agreed to accept a new Letter of Credit from this developer versus cashing in the old letter of credit. He stated the developers, Bob Carr and Joe Dorger, did not make their first loan payment after establishing the new Letter of Credit and they are again in default of the loan. The developers are working on a deal with the town of Brownsburg to purchase a portion of the property for a park. Mr. Graham stated if Brownsburg does agree to purchase a portion of the property for a park the developers would then consent to being annexed and the developers are meeting with Brownsburg on January 7, 2010 to hopefully finalize the transaction. He also stated the money from the transaction would be used to pay off the Brownfield Loan. Commissioner Wathen referenced an email from developer Robert Carr, requesting a meeting with the Commissioners to discuss their progress with the Town of Brownsburg relative to the Brownfield Loan. It was the consensus of the Commissioners for Mike Graham to set up a date for Mr. Carr to come before the Commissioners at a regular meeting to discuss the Brownfield Loan.

IN THE MATTER OF DISASTER RECOVERY

Mike Graham reported that on December 29, 2009 we received a copy of the Hendricks County Disaster Recovery Plan that was prepared by the West Central Indiana Economic District and stated the plan has been submitted to the Economic Development Administration and the Office of Community and Rural Affairs. He stated at this point he was uncertain if anything needs to be done by the Commissioners as it appears the West Central Indiana Economic District Inc. is done with Hendricks County. Mr. Graham stated, however, if we are required to adopt the plan he felt we will hear from one of the State agencies. Mr. Graham further advised he does have a copy of the plan.

IN THE MATTER OF DANVILLE PROPERTY

Mike Graham stated he had hand delivered to Danville Town Council President Jeff Martin the letter containing the Commissioners’ counter offer to the Town of Danville for their property on the square, but had not received a response.

IN THE MATTER OF COURTHOUSE SECURITY

Judge Jeff Boles requested that the Judges in the Courthouse be heard before determining to make any changes in security at the Courthouse. Judge Boles stated the six security officers currently in the Courthouse are working well.

IN THE MATTER OF WHITE LICK STREAM STABILIZATION

John Ayers reported they will not award the bid for White Lick Stream Stabilization at this time as the NCS (National Conservation Service, a division of the USDA) has contacted the property owners to resolve some issues and he will wait until the financial issue is resolved before they can continue with this project.

IN THE MATTER OF COURTHOUSE - ENERGY SAVINGS

John Ayers stated they are currently reviewing the Request for Quotes (RFQ), to be advertised by the County for use with the ARRA Energy Conservation Grant for the Courthouse for the Courthouse energy savings.

IN THE MATTER OF HIGHWAY SUPERINTENDENT

John Ayers explained that Highway Superintendent Martin Summers has agreed to continue as Highway Superintendent until a replacement is hired, however, Mr. Summers had accumulated several days that he had planned to take in pay when he had originally planned to retire at the end of 2009 and now by agreeing to stay on will lose the pay of 12 days. Greg Steuerwald stated a letter should be sent to the Council explaining his extension of time was at the request of the Commissioners. It was the consensus of the Commissioners that Mr. Summers be compensated for his accumulated days at the end of 2009 and to send an explanation to the Council.

John Ayers stated they have narrowed the selection for a Highway Superintendent to five individuals to interview and stated Commissioner Wathen, Ron Love, John Ayes and Mike Graham would participate in the final interview with these candidates.

IN THE MATTER OF ANIMAL CONTROL

John Ayers explained some problems and concerns of the animal shelter expressed by Chief Animal Office Mary Anne Lewis. He stated some were problems that are under warranty and others are some maintenance procedures that are causing problems and he is working with the staff to resolve these issues.

IN THE MATTER OF COUNTY ROADS - ROCKIES EXPRESS

John Ayers stated he is working with representatives of the Rockies Express Pipeline (REX) to resolve damage to County roads by the installation of the pipeline in southern Hendricks County.

IN THE MATTER OF POLLING PLACES

Receipt was acknowledged of a request from Laura Herzog, Voter Registration Supervisor, for a form letter to be sent to all polling places confirming the use of their facilities for both the primary election on Tuesday, May 4, 2010 and the general election November 2, 2010. It was noted this letter requires the signature of the Commissioners. It was the consensus of the Commissioners to sign this letter for confirmation of polling place facilities for the 2010 elections.

IN THE MATTER OF SETTLEMENT OF TORT CLAIM - FALLON

Receipt was acknowledged of the December 21, 2009 letter from Carson Boxberger, Attorneys, relative to a settlement of the Lisa R. Fallon and Brian P. Fallon with the Town of Avon and with Hendricks County. The Commissioners requested Rich Jensen to follow-up on this legal action and report back.

IN THE MATTER OF FINANCE MEETING

Commissioner Whicker announced Treasurer Nancy Marsh has scheduled the required annual meeting of the Finance Committee for 9 AM on Tuesday, January 26, 2010.

IN THE MATTER OF CLAYTON/LIBERTY TOWNSHIP LIBRARY

Receipt was acknowledged of the December 17, 2009 request from Joanie Wallis-Halberstadt, Director

of the Clayton/Liberty Township Public Library, to fill a vacancy on the Library Board of Trustees that was created by the resignation of Ms. Christina Shepard. It was noted that Ms. Wallis-Halberstadt submitted the name of Robert E. McClure for consideration of this four-year term thru December 31, 2013. Commissioner Wathen moved to appoint Robert E. McClure to serve on the Clayton/Township Library Board of Trustees for a four-year term thru December 31, 2013 and authorize the President to sign the appointment form. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF HIGHWAY ROAD SCHEDULE FOR 2010

Surveyor David Gaston reported he has talked with Willis Parker relative to the 2010 highway projects and has explained to him the schedule is not yet complete and that they are awaiting the hiring of a new Highway Superintendent.

Commissioner Wathen moved to recess the Commissioners’ meeting for the Tech Board at 10:30 AM. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

Commissioner Whicker opened the Tech Board at 10:31 AM.

IN THE MATTER OF TECH BOARD

Commissioner Whicker opened the Tech Board and reported he had received word from Doug Morris, Systems Administrator, they had nothing to bring before the Tech Board today.

There was discussion if the Tech Board should continue to be held on the first and third Tuesday as a separate board or to incorporate tech matters into the regular Commissioners’ meetings. Mike Graham stated they are researching this matter and are looking for an ordinance that established the Tech Board. It was the consensus of the Commissioners to continue to research this matter and report back.

Commissioner Wathen moved to adjourn the Tech Board at 10:33 AM. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

Commissioner Whicker reconvened the Commissioners’ meeting at 10:34 AM.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

- 1. IDEM, SDI (Steel Dynamics, Inc.) Pittsboro, Notice of Public Comment, Significant Modification to a Part 70 Operating Permit, Engineered Bar Products Division.

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

IN THE MATTER OF TRANSFER LETTERS

The following transfer letters were submitted for consideration:

Transfer \$1,300 from 100-44000-000-135 Equipment and Machinery to 100-46000-000-135 Special Contracts

Transfer \$350 from 100-32700-000-135 Utilities to 100-37850-000-135 Rent

Transfer \$199,762 from 100-37775-000-135 Dispatch Communications to 100-35600-000-135 Liability

Commissioner Wathen moved to approve and sign the transfer letter for \$\$1,300 to Special Contracts from

Equipment and Machinery, transfer letter for \$350 to Rent from Utilities and transfer \$199,762 from Dispatch Communications to Liability, as presented. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for December 21, 2009 to December 31, 2009 from James McBryant, Cypress Manor Administrator.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the December 28, 2009 thru January 1, 2010 Human Resources report from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for December 27, 2009 to December 31, 2009 from Martin Summers, Highway Superintendent.

IN THE MATTER OF GOV PARTNER

Attorney Greg Steuerwald explained the changes in the addendum for the previously approved GovPartners software and stated he was explaining this addendum in the absence of Don Reitz. Commissioner Wathen moved to authorize the President to sign the addendum with GovPartners, as was approved during the December 22, 2009 Commissioners’ meeting. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF EXECUTIVE SESSION

Commissioner Whicker read the following Memo to file:

MEMO

TO: File
DATE: December 22, 2009

We hereby certify that the only matter discussed during the Hendricks Board of Commissioners 1:00 PM Executive Session on this date, duly published by means of the posted Agenda, was the only item listed on said Agenda and no final action was taken.

Hendricks County Board of Commissioners

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

IN THE MATTER OF TORT CLAIMS - DIMEO

Receipt was acknowledged of a Tort Claim from Ken Nunn Law Office on behalf of Tharassa C. Dimeo for incident of August 29, 2009. It was noted he original has been hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

IN THE MATTER OF HEALTH BOARD

Attorney Greg Steuerwald advised he will accompany Attorney Tyler Starkey to discuss fees with the Hendricks County Health Board at their meeting at 7 PM tonight in the Government Center.

IN THE MATTER OF REDEVELOPMENT COMMISISON

Commissioner Whicker announced the Redevelopment Commission meeting scheduled for 7 PM on Wednesday, January 6, 2010 has now been cancelled.

Commissioner Wathen moved to adjourn the Commissioners’ meeting at 10:42 AM. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

David A. Whicker, President

Eric L. Wathen, Vice President

Phyllis A. Palmer, Member

ATTEST: _____
Judith Wyeth, Deputy Auditor

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Hendricks County Government

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January 12, 2010**