

March 2, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, March 2, 2010 with a quorum of all 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	)	
Eric L. Wathen	)	Hendricks County Board of Commissioners
Phyllis A. Palmer	)	
Tyler Starkey		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
David Gaston		Hendricks County Surveyor
John Ayers		Hendricks County Engineer
Don Reitz		Hendricks County Planning Director
James McBryant		Administrator Cypress Manor
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 the February 23, 2010 meeting, 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 # 203549 thru 203565, #203574 thru 203875, #095499 thru 095623 and Direct Deposit #056577 thru 056980 as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

---

IN THE MATTER OF EXIT 59

Commissioner Whicker announced that during the regular meeting the Regional Sewer Board this morning American Structurepoint reported the sewers at Exit 59 are completed and working. He stated the Board accepted and signed the Certificate of Substantial Completion from Valenti-Held for the Exit 59 Waste Water Facilities and Valenti-Held has submitted their final pay application.

Commissioner Wathen stated American Structurepoint reported to the Regional Sewer Board meeting this morning they have sent the Categorical Exclusion (CE) to INDOT and once it is signed, construction of the wetlands may begin at Exit 59.

Commissioner Wathen reported the J&J Sales and Logistics (formerly known as Centerline) at Exit 59 is moving ahead and American Structurepoint is reviewing the sewer plans for this project.

---

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers referenced the February 25, 2010 letter from Tom Klein, Avon Town Manager, advising the Avon Town Council and Avon Redevelopment Commission have identified over \$2,000,000 of TIF revenue that may be available to assist with the construction of the next section of the Ronald Reagan Parkway from CR 100S to CR 200S. He stated both the Council and Commission have requested that the Town of Avon be involved in providing input to the design of this section.

---

IN THE MATTER OF PROCLAMATION  
RECOGNIZING MARCH 15, 2010 AS BRIGHT HOUSE NETWORKS’ DAY

Don Kent, Net Literacy, explained Net Literacy has been greatly assisted by Bright House Network and gave a brief history of this program. Brooke Krodell, Net Literacy, explained other projects that have benefited from the Bright House Network. Commissioner Palmer expressed the gratitude of the Commissioners for this volunteer

program that has helped Hendricks County citizens and read the following proclamation.

**P R O C L A M A T I O N**  
**RECOGNIZING**  
**BRIGHT HOUSE NETWORKS' CONTRIBUTION**  
**TO DIGITAL INCLUSION AND A PROCLAMATION THAT**  
**MARCH 15, 2010, BE KNOWN AS BRIGHT HOUSE NETWORKS' DAY**

*WHEREAS, since 2005, Bright House Networks has been a partner of Net Literacy, an Indiana and student managed digital inclusion nonprofit, and through this partnership, Bright House Networks has enabled Net Literacy's student volunteers to help educate Hendricks County's residents about how to be safe on the Internet through the donation of Internet safety PSAs;*

*WHEREAS, Bright House Networks' support has enabled the donation of more than 50 computers to Hendricks County nonprofits that will support and enrich our community in February, 2010;*

*WHEREAS, increasing computer access through the placement of computers in pre-schools, senior centers, and other organizations increase Hendricks County residents' ability to be successful and have greater access to resources and information;*

*WHEREAS, working together with the United Way, Bright House Networks made it possible for Net Literacy students to repurpose and donate over 50 computers to the Hendricks County Senior Services, Sycamore Services, Sheltering Wings Center, Mental Health Association, Susie's Place, Head Start, and the Day Care Center;*

*WHEREAS, Bright House Networks' support of Net Literacy encourages youths to learn job skills, life skills, and provide community service throughout Indiana;*

*WHEREAS, one of Bright House Networks leaders serves on Net Literacy's board of directors, and their advocacy of digital inclusion serves as a role model to Net Literacy's student volunteers; and*

*WHEREAS, Bright House Networks has shown that though their support of Net Literacy and other programs, it is a responsible and outstanding corporate citizen,*

*NOW, THEREFORE, the Hendricks County Board of Commissioners proclaim March 15, 2010 as Bright House Networks Day. We set our hand and seal this 2<sup>nd</sup> day of March, 2010.*

*(Signed)*

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

*(Seal)*

It was the consensus of the Commissioners to sign the Proclamation recognizing Bright House Network, as read.

**IN THE MATTER OF WATER QUALITY AND TOWN OF PLAINFIELD**

David Gaston presented a Memorandum of Agreement regarding cooperation and coordination of implementing 327 IAC 15-13 (Rule 13) within Hendricks County between Hendricks County (through the Hendricks County Partnership for Water Quality) and the Town of Plainfield, Indiana and explained this brings all towns in Hendricks County on board for the Partnership for Water Quality. Commissioner Wathen moved to approve the Memorandum of Agreement with the Town of Plainfield and Hendricks County for Partnership for Water Quality and authorize the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

**IN THE MATTER OF TIF**

Harold Hiser, President Hendricks County Redevelopment Commission, presented the annual TIF report for the Pittsboro TIF, the Kite TIF, the Lauth TIF and the Heartland Crossing TIF from Greg Guerrettaz, Financial Solutions Group (FSG), and explained there is a \$3,500 charge from FSG for each of the four TIF annual reports for a total of \$14,000. Auditor Cinda Kattau explained the funding for these reports will be from the TIF revenue and stated this revenue will fund this \$14,000 charge.

Commissioner Wathen reported the Pittsboro TIF was originally for Qualitech, however, the present owner, Steel Dynamics, currently employees over 300 people with an average salary of \$65,000 and has been a large boost to the economy for many Hendricks County residents.

---

IN THE MATTER OF CYPRESS MANOR

James McBryant presented a request with summary for the admission of Mark Watson to residency at Cypress Manor and explained this individual is currently residing in a facility in Marion County, however, his brother lives in Hendricks County and would like to have him closer to him. Mr. McBryant stated this applicant is currently receiving mental health services through Adult and Child Services in Indianapolis, but can be transferred to Cummins Behavioral Health Center and is receiving room and board benefits through FSSA (Indiana Family Social Services Administration), which will transfer to Cypress Manor. Commissioner Palmer moved to approve the admission of this individual, based on the recommendation of the Cypress Manor Administrator. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

---

IN THE MATTER OF CULVERTS FR-001 AND FR-059

John Ayers gave a response to the Commissioners questions last week on Culvert FR-001, located on CR 700S over an open ditch, and Culvert FR-059, located on CR 450W over an open ditch, relative to an increase submitted by the inspection firm of CMT (Crawford Murphy and Tilley) in their contract for inspection fees. Rich Condre, CMT, explained the difficulties on the job for FR-059 and stated the contractor has not been ready when they have been on site to do the inspections. Mr. Condre stated the increase is mostly due to field engineering changes as well as Contractor scheduling. He also stated that Culvert FR-001 will be completed on time and will not need an increase. Commissioner Wathen moved to approve the additional requested for inspection fee in the amount of \$5,080 for FR-059, located on CR 450W over an open ditch, as recommended by the County Engineer and the report of the inspector from CMT. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

---

IN THE MATTER OF CR 1000S & CR 900S & CR 100E – FROST LAW

John Ayers explained that due to INDOT replacing a bridge on SR 39 truckers traveling SR 39 are taking a detour on County roads over CR 1000S from SR 39 to CR 100E, CR 100E from CR 1000S to CR 900S and CR 900S from CR 100E to SR 39 and as a result these roads are sustaining severe damage. He stated he and County Highway Superintendent Curt Higginbotham have determined that continuing heavy loads on these roads will create conditions of extreme hazard and deterioration due to the thawing of the ground and the melting of snow and ice. Mr. Ayers stated they are checking the road daily and fixing bad spots and explained the steps being taken on these roads. He suggested milling CR 1000S, re-grading and compacting the roadway and surfacing it with #53 stone, which will make the road maintainable with a grader and then when SR 39 reopens this road can be paved with 2”to 3” of binder. John Ayers also stated he and Curt Higginbotham recommend that the current weight limit of 20 ton be reduced to 10 ton based on the Frost Law covered in County Ordinance 1979-6 for these road segments stated above. He recommended this weight limit to be posted for a period of up to sixty days with a gross weight limit of 10 tons, effective immediately, with the restriction to be removed no later than May 2, 1020 on the following segments:

County Road 1000 South from State Road 39 to County Road 100 East  
County Road 100 East from County Road 100 South to County Road 900 South  
County Road 900 South from County Road 100 East to State Road 39

He stated public notice must be given in accordance with the ordinance and requested to have a legal notice for Notice of Weight Restriction of 10 ton on Count Road 1000S be advertised. Commissioner Wathen moved to approve milling up the entire CR 1000S, re-grading and compacting the roadway and surfacing it with #53 stone, on the road segments 1000S from SR 39 to CR 100E, CR 100E from CR 1000S to CR 900S and CR 900S from CR 100E to SR 39 and to request INDOT to participate in the funding of this roadwork. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Wathen moved to approve the posting of a 10 Ton gross weight limit on the segment of roads stated and publish the legal notice for this weight restriction. Commissioner Palmer seconded the motion. Commissioner Wathen clarified the 60 day time frame could be reduced. The motion was approved 2-1-0 with Commissioners Wathen and Palmer voting aye and Commissioner Whicker voting nay.

---

IN THE MATTER OF BOND FORFEITURE - EATON EXCAVATING

Don Reitz presented a request for performance bond forfeiture from AMCO Insurance Company for Eaton Excavating and explained this request, which is now within the Town of Avon along with the Performance Bond Forfeiture Notice. He explained when this bond in the amount of \$33,000 was signed on August 25, 1999 for the Beechwood Farms Subdivision this development was within Hendricks County jurisdiction, however, this subdivision has since been annexed into the Town of Avon and is now within their jurisdiction. Mr. Reitz stated the County had turned the bond over to Avon when it was annexed and now the AMCO Insurance Company has advised this cannot be done.

Attorney Tyler Starkey explained the bond forfeiture process Commissioner Wathen requested Don Reitz to have a representative from the Town of Avon attend the next Commissioners’ meeting to discuss this matter.

---

IN THE MATTER OF BRIDGE NO. 29

John Ayers explained there is an effort to be prepared for passage of the Jobs Bill and Hendricks County Engineering is proposing a bridge deck overlay for Bridge No. 29, located on CR 1000N and east of SR 267, which would meet the program eligibility. He stated engineering is considering hydro demolition and latex modified concrete overlay at an estimated cost of \$107,000 for the preferred method of construction and explained. Mr. Ayers requested to prepare the design immediately at an estimated cost of \$20,000 in order to have the project eligible for consideration on the MPO’s list of “Shovel Ready Projects”. He further stated this program is “first come, first serve”. He also stated Bridge No. 29 is in need of deck repair regardless of stimulus money availability. It was the consensus of the Commissioners for John Ayers to pursue preparing the design for Bridge No. 29.

---

IN THE MATTER OF TOWN OF BROWNSBURG

John Ayers reported the Town of Brownsburg is working on the legal descriptions of the portions of County roads that they want annexed into the town and will bring those legal descriptions in when they are completed.

---

IN THE MATTER OF WELCH LAKE

John Ayers advised the plans to resolve drainage issues in Welch Lake are complete and they can be done with

---

quotes and will not require bids. Commissioner Palmer moved to approve the County Engineer to obtain quotes for resolving Welch Lake drainage problems. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

---

IN THE MATTER OF WOMEN OF INFLUENCE

Commissioner Palmer reported she had served as Honorary Chairman of the “Women of Influence” program on February 25, 2010, which focused on health issues of women and stressed women’s heart health. She commended Jenny Hill and the Health Department on their presentation of this program that was very well done.

---

IN THE MATTER OF 4-H FAIR

Commissioner Palmer reported she had attended the Fair Board meeting and they are working and preparing for the 2010 Hendricks County 4-H Fair.

---

IN THE MATTER OF GORDON GRAHAM FIELD

Commissioner Palmer reported she had attended a meeting of the Hendricks County Airport at Gordon Graham Field and they were having problems keeping the snow off the runway.

---

IN THE MATTER OF WORKFORCE REGION 5

Commissioner Palmer introduced Bart Brown, President/CEO Indiana Region Workforce Board, Inc., and Tony Cross, Executive Director Indiana Region 5 Workforce Board, Inc. She explained we had received a letter from the Workforce Board stating that our representative to the Workforce Development Board had a lapsed membership and that she had spent considerable amount of time on this issue and that she had been told that a letter of reinstatement was needed to place Lori Priller back on the board. Commissioner Palmer expressed disappointment that Workforce Development had not notified the County that Lori Priller’s appointment had expired. The Workforce Development needs to be more diligent in notifying counties when representatives’ terms have expired and she felt this was essential for any board of this nature. She stated Lori Priller had been an active member and regularly attended the board meetings. Mr. Cross explained the by-laws of the Workforce Board as the appointment term of Ms. Priller had lapsed and as they had not received notice from the Commissioners to reappoint her, therefore, she was no longer on the Board. Mr. Brown stated they were only trying to comply with their bylaws and requested Commissioner Palmer to send an email to Tony Cross stating the Commissioners were reappointing Lori Priller to another term on the Workforce Board and Ms. Priller would be reinstated. It was the consensus of the Commissioners to reappoint Lori Priller to the Workforce Board and for Commissioner Palmer to send an email requesting that she be reinstated.

---

IN THE MATER OF COMMUNITY CORRECTIONS

Commissioner Wathen questioned if the time for the Community Corrections Advisory Council meeting scheduled for Tuesday, March 9, 2010 at Noon in room #3 of the Hendricks County Government Center could be changed as it would be difficult for the lay members on the council to attend a meeting at noon. There was discussion it was a statutory requirement for the first meeting was to be held within 30 days of the appointments and that notices have been sent to all members. It was the consensus of the Commissioners to keep the scheduled March 9, 2010 meeting at noon in order to meet the statutory requirements and for the members to consider another time that would be more convenient for everyone.

---

IN THE MATTER OF 2010 CENSUS

Receipt was acknowledged of the Boundary Validation Program Estimate of Burden from the United States Department of Commerce for the 2010 Census verifying the boundaries of Hendricks County, Indiana. It was noted Les Rice, Hendricks County Cartographer, had reviewed the boundaries on the CD provided by the Census Bureau and had advised it appeared they were accurate. It was the consensus of the Commissioners to approve the boundaries of Hendricks County as submitted by the US Census Bureau and for the President to sign the Initial 2010 Boundary Validation Program.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

- 1. IDEM, Office of Air Quality, Notice of Decision-Approval, Twin Bridges Recycling

Action needed/taken on the following:

- 1. Checks received and signed to the county:
  - a. The Cincinnati Insurance Company                      \$2,3335.00      Utility Pole Damage
  - b. Farmers Insurance Group                                      \$    133.00      Property Damage
- 2. Whicker signed vehicle titles for the following: None
- 3. Documents needing action:
  - a. Certificate of Appointment, Clayton-Liberty Twp Library Board Appointment. Whicker signed appointment certificate, appointment was made by commissioners 1-5-10.
  - b. U.S. Census Bureau, 2010 Boundary Validation Program (BVP) needs signature of President of Commissioners, Les Rice of Planning Department has reviewed and boundaries appear accurate.

IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for February 15 to February 26, 2010 from James McBryant, Cypress Manor Administrator.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the weekly Human Resources report for February 22 to February 26, 2010 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for February 22 to February 26, 2010 from Curt Higginbotham, Highway Superintendent.

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

David A. Whicker, President

Eric L. Wathen, Vice President

Phyllis A. Palmer, Member

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

