

September 28, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, September 28, 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:

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| David A. Whicker |) | |
| Eric L. Wathen |) | Hendricks County Board of Commissioners |
| Phyllis A. Palmer |) | |
| Gregory E. Steuerwald | | Hendricks County Attorney |
| Cinda Kattau | | Hendricks County Auditor |
| David Galloway | | Hendricks County Sheriff |
| Bryan Tremper | | Hendricks County Deputy |
| Michael E. Graham | | Administrator to Commissioners |
| Don Reitz | | Hendricks County Planning Director |
| James McBryant | | Administrator Cypress Manor |
| Jim Andrews | | Hendricks County Assistant Engineer |
| 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 the September 21, 2010 meeting, 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 # 212681 thru 212701 #097271 thru 097384 and Direct Deposit #062531 thru 062941, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Mike Graham stated he is waiting on Lauth to work out the transfer of money for the water line at Exit 59.

Commissioner Wathen reported they are starting to construct the road to the proposed Love’s Travel Stop near Exit 59.

IN THE MATTER OF RONALD REAGAN PARKWAY

Jim Andrews stated he had nothing to report on the Ronald Reagan Parkway

IN THE MATTER OF A CANVASSING ORDINANCE

Sheriff Dave Galloway explained his deputies receive several phone calls each week during the summer months from citizens reporting rude and inconsiderate salesman/canvassers at their home and in the neighborhood and requested an ordinance for prohibited canvassers and solicitors. He stated the previous ordinance for canvassers was repealed because it was too vague and he would like to make this ordinance requiring a permit and charging a fee for salesmen/canvassers that do not have a permit and explained this could be handled through the Sheriff’s office and staff. Deputy Tremper explained he had a book salesman at his door one evening and was able to check and verify that he was a book salesman/canvassers with the firm stated, however, the average citizen is unable to do this. He also stated these salesmen/canvasser often arrive late in the evening and at the door of elderly citizens and then become rude when they refuse to purchase their wares. There was discussion of establishing effective dates, the permits and their costs, of fines, the effort to protect the citizens and of making school and scout sales promotions exempt from this ordinance. Sheriff Galloway stated when each salesman/canvasser applies for a permit he will check with the Better Business Bureau and the

Attorney Generals’ office on each applicant. He also stated that he has provided Greg Steuerwald with several ordinances from the towns and is checking with other counties on their solicitation ordinances. It was the consensus of the Commissioner for Sheriff Galloway and Attorney Greg Steuerwald to work on establishing an ordinance for canvassers and solicitors in Hendricks County and bring back for consideration.

IN THE MATTER OF DISASTER EMERGENCY PROCLAMATION

Commissioner Whicker referenced the Commissioners’ approval of the Disaster Emergency Proclamation at the September 21, 2010 meeting to be in effect to September 28, 2010 at 10 AM and stated it is now 10 AM and needs to be reevaluated. He read an email from David Warren, Emergency Management Director, stating. “The burn ban should be continued for the next 7 days. Due to the surface moisture content is still dry”. Commissioner Wathen moved to extend the Disaster Emergency Proclamation for a burn ban for another week to 10 AM on Tuesday, October 5, 2010. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2010-24
ZA 405/10 (PUD 59) P.R.I.M.E. MINISTRIES, INC. – INDIANA TRAILS

Don Reitz presented ZA 405/10 (PUD 59): PRIME Ministries, Inc. (Indiana Trails) a request for a zoning amendment change from AGR/Agricultural Residential District to PUD/ Planned Unit Development District for 17.5 acres in Washington Township, located on the east side of CR 900 E, approximately 0.11 mile south of CR 100 N. He explained the location, the proposed use of this parcel including single family residence, multi-family buildings, the green space within the development and stated this will be an age restricted development. Mr. Reitz also stated the Plan Commission held a public hearing on September 14, 2010 and sends this zoning request with a favorable recommendation of 5-0-0. Attorney Ben Comer represented the petitioner on this zoning request. Commissioner Wathen moved to approve ZA 450/10 P.R.I.M.E. Ministries change in zoning to a PUD as Ordinance 2010-24, as recommended by the Plan Commission. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CYPRESS MANOR

James McBryant presented an application for residency for Depressa Dawn Giles of Middle Township. He stated this individual has applied for financial support and gave a brief history of Ms. Giles. Commissioner Palmer moved, that based on the recommendation of Mr. McBryant, to accept this individual, as presented, to Cypress Manor. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. James McBryant explained that volunteers are working to rebuild the vacant building at Cypress Manor. He also referenced several volunteer groups that have been working on projects at Cypress Manor.

Receipt was acknowledged of the Cypress Manor report for September 13, 2010 to September 24, 2010 from James McBryant, Cypress Manor Superintendent.

IN THE MATTER OF PROPERTY INSURANCE

Mike Graham reported on the insurance companies recommended by Mark Forsythe that last week were adopted by the Commissioners. He stated Rich Jensen, Stevenson-Jensen Agency, expressed concerns that we had assigned HBG Wiggins to use Downey Insurance and from the beginning we stated the incumbent agent

would have the right to use his current insurance companies. He stated Mr. Jensen uses Downey for workers comp and Mr. Forsythe had recommended that HBG Wiggins could use Downey for all other lines of insurance except for workers comp, however, Mr. Jensen explained he is the agent of record for all lines of insurance that Downey issues. Mr. Graham recommended to amend the approval given last week to invite the six agencies of Tackitt, Johnson Mallott Williamson, Stevenson-Jensen, Mantooth, Hometown and Hylant to submit an RFP for the County’s property and causality insurance, which would exclude Degan and HBG Wiggins from the second round. Commissioner Wathen moved to amend the approval given on September 21, 2010 and exclude Degan and HGB Wiggins in the second round. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COMMUNICATIONS

Mike Graham gave an update on possible funding for the Communications Center and reported that on September 22, 2010 there was a meeting with Commissioner Whicker; Robin Brandgard, President Communications Governing Board; Larry Brinker, Executive Director Communications Center; Mindy Westrick and Tenley L. Drescher Rhoades, both with Baker Daniels; and he for the purpose of preparing a presentation for the September 28, 2010 Regulatory Flexibility Committee meeting. He stated they have concluded that we will need legislation to establish a funding solution verse using the home rule statute as home rule will not work in establishing a utility to fund the Communication Center. Mr. Graham stated that rather than using the term utility they are now proposing establishing a Communications Territory. If the territory is established there would be an annual fee of around \$90 collected from each property owner who owns a parcel that has a primary residential, commercial or industrial building on it and they would not collect a fee on any vacant parcels. He stated Robin Brandgard, President of the Communications Center Governing Board, will be making a five minute presentation to the Regulatory Flexibility Committee on September 28, 2010 in hopes that the legislators will become interested in addressing our funding dilemma.

IN THE MATTER OF FORMER DANVILLE TOWN HALL

Mike Graham advised the formal closing on the former Danville Town Hall will be October 18, 2010. He explained The Town of Danville has several parking lot leases with individual on a month to month basis for parking spaces in the parking lot that is included in the County’ purchase of the former Danville Town Hall. It was the consensus of the Commissioners for Mike Graham to obtain more information on these parking lot leases and bring to the meeting next week.

IN THE MATTER OF CELL PHONES

It was noted that on September 14, 2010 the Commissioners approved changing the County cell phone provider to Verizon and we are now in receipt the Quotation, Purchase Order and a draft Authorization Letter. Greg Steuerwald stated he had not had time to review this agreement and requested to continue to next week. It was the consensus of the Commisisoenr for Greg Steuerwald to review the Verizon agreement and to bring it back next week. A draft Authorization Letter was provided to Verizon authorizing Mike Graham and Judy

Wyeth to be the County personnel responsible for managing the Verizon wireless services. Commissioner Wathen moved to authorize Mike Graham and Judy Wyeth as the County personnel responsible for managing the County Verizon wireless phone services and authorize the President to sign the letter on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF TRANSFER LETTERS

Commissioner Whicker read the following letters to transfer funds within the Commissioners’ budget:

\$1,000.00 From: 100-35600-000-135: Liability To: 100-35500-000-135: Official Bonds
\$ 200.00 From: 100-32600-000-135: Telephone To: 100-32107-000-135: Change of Venue
\$5,000.00 From: 100-32600-000-135: Telephone To: 100-13501:000-135: Board of Review

Commissioner Wathen moved to approve all three transfer letters, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ASSESSOR’S OFFICE - SHREDDING

Receipt was acknowledged of a request from the Assessor’s office for a locked console from Ray’s for their documents that need to be shredded. They indicated they are going through shredders and using staff time to feed these shredders with all the confidential papers required for their many appeals. It was noted when we agreed on Ray’s shredding program this summer Ray’s set the charges at \$20 for the first console, now located in the first floor mail room, and each additional console at \$3 each. If approved, this console would be an additional \$36 annually from the Commissioners’ Solid Waste line. Commissioner Palmer moved to approve a shredder console from Ray’s for the Assessor’s office to be used for shredding their documents at a cost of \$36 annually. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF NACo

Receipt was acknowledged of a report from NACo (National Association of Counties) including a Participation and Membership Benefits Report for Hendricks County indicating Hendricks County residents saved \$1,723,816 through the NACo prescription discount card program in 2009. The report also listed several other programs and benefits to Hendricks County residents through the NACo programs in previous years. An invoice for their 2011 membership dues in the amount of \$1,870 was included. Commissioner Wathen moved to continue membership with NACo for 2011 and approve payment of the dues in the amount of \$1,870 as the prescription discount program has been a benefit to Hendricks County residents. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COMMISSIONERS’ MINUTE BOOK

Judy Wyeth stated we have just completed filling the large 36th Commissioner’s minute book and in response to a suggestion that we look at using a smaller book she has looked at comparing the three sizes of minute books available. It was noted Greg Steuerwald has advised we need to have an original signed hard copy of the minutes, therefore, we need to continue printing and signing all Commissioners’ minutes in a book. It was also noted the larger book has official printed page numbers while the smaller ones are just hand written at the time of printing. It was the consensus of the Commissioners to continue using the large minute books as have been used and to order Book No. 37 for the Commissioners’ minutes.

IN THE MATTER OF TOWNSHIP LINE ROAD

Commissioner Palmer requested the Engineering Department check on the faded striping on Township Line Road as with winter approaching this could become a hazardous area. Jim Andrews stated the County Highway Crew is out striping roads and they will check on this area.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

- 1. IDEM, Office of Water Quality, Solid Waste Permits Section, Insignificant Modification Proposal, Twin Bridges Recycling & Disposal Facility.
- 2. INDOT, Notice of Survey, Small Structure Replacement on SR 234 in Hendricks Co., IN.
- 3. IDEM, Office of Water Quality, Facility Construction and Engineering Support Section, Construction Permit Application Plans and Specifications for Sanitary Sewer Bluewood, Avon, IN.

Action needed/taken on the following:

- 1. Checks received and signed to the county:
- 2. Whicker signed vehicle titles for the following:
 - a. 1994 Chevrolet Truck Fairgrounds
 - b. 2007 Dodge Charger Sheriffs’ Department
 - c. 2007 Dodge Charger Sheriffs’ Department
 - d. 2007 Dodge Charger Sheriffs’ Department
 - e. 2007 Dodge Charger Sheriffs’ Department
- 3. Documents needing action: None

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the September 20 – 24, 2010 Human Resources report from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for September 11, 2010 to September 17, 2010 from Curt Higginbotham, Highway Superintendent.

IN THE MATTER OF IVY TECH

Commissioner Palmer stated she had attended the Ivy Tech grand opening in Avon on Thursday, September 23, 2010 and considers this new training center to be good for Avon and all the residents of Hendricks County.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 10:30 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
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