

December 14, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, December 14, 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)	
Gregory E. Steuerwald		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
Dave Galloway		Hendricks County Sheriff
John Ayers		Hendricks County Engineer
Dr. David Hadley		Hendricks County Health Officer
Michael E. Graham		Administrator to Commissioners
Don Reitz		Hendricks County Planning Director
Cathy Grindstaff		Hendricks County Environmental Health Director
Doug Morris		Hendricks County Systems Administrator
Ron Love		Hendricks County Human Resources Director
Bridgett Collins		Hendricks County Work Release Director
Kevin Cavanaugh		Hendricks County Facilities Manager
Curt Higginbotham		Hendricks County Highway Superintendent
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 December 7, 2010 meeting, as corrected.

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

IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Claims # 215423 thru 215430, #215431 thru 215454 and #215475 thru 215477, as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Mike Graham advised he talked to Glenn Girardi with Johnson & Johnson regarding the opening of their facility. Mr. Girardi said they are not planning on having an opening ceremony, however, they are providing tours for the fire and police departments, but they will not be allowing a general tour by the public. He stated they will consider giving a tour for local officials if a list of names was submitted, which will need to be reviewed and approved by their legal department. Mr. Graham suggested that he submit a list of names of local officials and see if they will give us a tour. He further stated Johnson & Johnson plan to open for business in April of 2011. It was the consensus of the Commissioners they would like to tour the Johnson and Johnson facility and for Mr. Graham to further research the possibilities of a tour and report back.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers reported he had been informed the MPO (Metropolitan Planning Organization) has included the Ronald Reagan Parkway from CR 100 S to CR 200 S as a funded project on the new Transportation Improvement Program for fiscal year 2014. He stated we are well into the design and are having a preliminary field check next week and won’t have any problem meeting that time frame. He further stated we had also applied for the section from CR 300 N to US Hwy136, but it didn’t make the list because of the price tag (\$17 million federal). Mr. Ayers also stated they didn’t approve any projects over \$10 million and that Hendricks and Johnson Counties got the biggest projects and had the highest agency totals after Indianapolis.

John Ayers presented a revised letter from INDOT stating no damages were claimed by the County for a Local Detour over Ronald Reagan Parkway from US 136 to I-74 in order to repair railroad tracks. Commissioner Wathen moved to approve and sign the Local Detour Agreement over Ronald Reagan Parkway from US Highway 136 to I-74. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SIGN VIOLATION – JOHN HALL

John Hall, 6644 S CR 675E, Plainfield, explained when they widened SR 39 for Exit 59 the State enforced eminent domain for a portion of his property along SR 39 for their project. He stated they were able to settle out of court, however, this parcel contained a sign for his Deer Creek Golf Course that had been located there for over 20 years. After the state purchased this parcel they informed him he would have to move the sign as it was now located in the right-of-way. He then moved the sign and has now been notified he is in violation of the sign ordinance and must purchase a sign permit or be penalized with a fine. He requested to have this permit waived and to drop any fines for his sign. Attorney Greg Steuerwald advised Mr. Hall that this is a zoning violation and he must go before the Board of Zoning Appeals (BZA). Don Reitz stated an application needs to be completed by Mr. Hall. The Commissioners directed Mr. Hall to meet with Mr. Reitz to resolve this matter.

IN THE MATTER OF CAPTAIN MIKE HOVIOUS - RETIREMENT

Sheriff Dave Galloway presented a letter stating the Glock Model 21, .45 caliber handgun bearing serial #KWZ2987, currently in the County armory, has been declared surplus and is eligible to be issued to Captain Mike Hovious upon his retirement after 32 years of service with the Hendricks County Sheriff Department. Commissioner Palmer moved to approve the issuance of the handgun to Captain Mike Hovious upon his retirement this year. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SHERIFF’S RETIREMENT PLAN

Sheriff Dave Galloway introduced Elaine A. Beaty, Vice President McCready and Keene, to present the Indiana Sheriff’s 457(b) Plan and Police Retirement Plan that will be at no cost to the County. She stated this would provide better benefits, service and individual attention than the deferred comp plan, Hoosier START, the County is currently providing and explained this financial plan that would be available to the Sheriff Department only. Mike Graham stated the County can have more than one deferred comp plan. Ms. Beaty also stated the Indiana Sheriffs’ 457(b) deferred comp plan has been approved by the Sheriff’s Association and is currently available in 35 counties in Indiana. Ed S. Paymor, Vice President Morgan Stanley Smith Barney, stated Morgan Stanley and McCready and Keene are currently managing the Sheriff pension program for merit officers. He stated the Commissioners will need to adopt an ordinance for this deferred comp plan and presented a draft ordinance for consideration. It was the consensus of the Commissioners to take this matter under advisement.

IN THE MATTER OF CASUALTY AND LIABILITY INSURANCE

Mike Graham stated Mark Forsythe, Insurance Audit, is ready with his recommendations for County casualty; Property, liability and Workmen’s Comp insurance coverage. Mr. Forsythe presented a summary of the 2010 request for proposal findings – recommendations and explained the process for evaluating the insurance proposals from the seven agents. He recommended HBG Wiggins for the casualty, property and liability and Stevenson-

Jensen for the Workers Comp. Mr. Graham noted the Commissioners previously approved a one month extension of insurance with their current carrier to January 19, 2011 and stated if a decision is not made at the December 21, 2010 meeting the decision will be made at a meeting in January by a new board. Mr. Forsythe stated he will need to contact the agents to confirm if they can extend their quote to January 19, 2011. There was discussion of the findings. Commissioner Palmer moved to take the proposal under advisement and bring back with the provision that the agents will maintain their rate through January 19, 2011. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. It was the consensus of the Commissioners to bring the insurance issue to the January 11, 2011 Commissioners' meeting. Commissioner Palmer thanked Mr. Forsythe on his work in evaluating and making his recommendations on these insurance policies. The Commissioners thanked the agents for their participation.

IN THE MATTER OF WEIGHTS AND MEASURES

Doug Morris presented the December 10, 2010 letter from Charles Colbert, Weights and Measures Inspector, stating that due to the process on reporting that is needed for monthly reports sent to the State level for weights and measures he is requesting a lightweight laptop computer. Mr. Colbert stated after having a meeting with the State on December 8, 2010 and seeing the programs that will be used it would be helpful to have Windows 7 on the laptop. They would need excel and windows for preparing the reports. Mr. Morris presented a quote from Dell for a Dell Vostro 350 Laptop for \$1,156 and stated he had funds left in the Computer 2010 budget if he could pay for this laptop this year. Auditor Cinda Kattau stated if this was turned in quickly they could pay from his 2010 budget. Commissioner Wathen moved to approve and pay from the 2010 Computer budget for the laptop, repair and maintenance in the amount of \$1,156 for the Weights and Measures Inspector. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Mr. Morris also stated this would include some training on this laptop.

IN THE MATTER OF ENVIRONMENTAL HEALTH - ORDINANCES

Cathy Grindstaff presented three draft ordinance amendments for advertising and stated these had been reviewed and approved by the Hendricks County Board of Health. She stated one is an amendment to the fee ordinance and explained this would increase the fee for birth certificates and death certificates from \$5 to \$10 and for a plastic sleeve of \$1 to protect the wallet size birth certificates. Ms. Grindstaff also explained the need to update the campgrounds ordinance and revise the on-site sewage rules. Commissioner Palmer requested Ms. Grindstaff to provide a summary of the changes for each of these three draft ordinances for the Health Department and bring back for further consideration.

IN THE MATTER OF WORK RELEASE CENTER

Bridgett Collins presented the Community Corrections Grant Total Budget Summary for 2011 and explained the changes as she currently has four staff vacancies and while she plans to replace two of these she will leave the other two vacant due to the low occupancy of 56 residents. She stated she has adjusted her budget with these changes for 2011 to \$483,715. Auditor Cinda Kattau explained the Community Corrections Advisory Board has approved this budget. Ms. Collins also requested a letter to Ms. Angie Hensley-Langrel, Program Manager, Community

Corrections Section of the Indiana Department of Corrections Indiana Government Center South confirming that on November 30, 2010 the Hendricks County Community Corrections Advisory Board approved the Hendricks County Community Corrections Grant Application for PY 2011-2012 and on December 14, 2010, the Hendricks County Board of Commissioners approved the Hendricks County Community Corrections Grant Application for PY 2011-2012. Commissioner Wathen moved to approve the Community Corrections Grant Application in the amount of \$483,715 for the proposed budget and sign the letter to the Indiana Department of Corrections as presented.

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

IN THE MATTER OF MPO VOTE

John Ayres reported that the Technical and Policy Committees of the MPO (Metropolitan Planning Organization) will have a meeting on December 15, 2010 to consider including the transit vision in the long range regional transportation plan called the Indianapolis Regional Transportation Improvement Program (IRTIP). The Commissioners needed to provide direction to John Ayres, member of the Technical Committee, and Lesa Ternet, member of the Policy Committee, on whether or not the Commissioners support including the transit vision in the IRTIP. Currently, there is not a local funding method to implement the transit vision and the current question is only on the inclusion of the transit vision within the plan. The reasons for supporting the transit vision are Central Indiana is becoming more urban with greater street congestion and the region will eventually need a transit alternative to help address these congestion problems and to provide a system of public transportation. Against the proposal are concerns about the citizens in the suburban counties paying for transit that will primarily benefit the citizens of Marion County. Also, if the transit vision is included in the IRTIP will the transportation planner view this as support for the developing a funding method that will create an unfair burden on the Hendricks County citizens. John Ayres stated that the MPO staff had expressed their opinion that if a transit element is not included in the IRTIP that the federal government may reduce transportation funding in the region. There was a general discussion about whether or not there could be negative funding consequences for other transportation improvement projects in communities that did not support the transit vision. John and Lesa recommended supporting the inclusion of the transit vision within the plan conditioned on accepting the transit vision does not mean support for any future funding proposal. There was more discussion on this issue. Commissioner Whicker made a motion to encourage our voting representatives, John Ayers and Lesa Ternet, to vote affirmative on the MPO plan. Commissioner Wathen seconded the motion and the motion was approved 2-1-0 with Commissioners Whicker and Palmer voting aye and Commissioner Wathen voting nay.

IN THE MATTER OF 2011 APPOINTMENTS

There was discussion of a date for the Commissioners to make their 2011 appointments and the need to include Commissioner Bob Gentry, in making these appointments. It was the consensus of the Commissioners to make the 2011 appointments at their January 11, 2011 meeting.

IN THE MATTER OF COMMISSIONERS 2011 MEETING SCHEDULE

There was discussion of the 2011 Commissioners' meeting schedule. Commissioner Wathen moved to hold the

Commissioners’ meetings in 2011 on the second and fourth Tuesday of each month at 9:30 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EMPLOYEE HEALTH INSURANCE

Mike Graham presented a contract for employee health insurance for the transplant renewal with Fairmont Transplant Specialty / US Fire Insurance Company Transplant Policy. Commissioner Wathen moved to approve the contract for renewal of the transplant insurance and authorize the President to sign the contract on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF TRANSFERS

The following transfer letters were presented:

\$800 From: 100-32600-000-135: Telephone To: 100-36602-000-135: Vehicle Maintenance
\$200 From: 100-32600-000-135: Telephone To: 100-34500-000-135: Legal Ads

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

IN THE MATTER OF COUNTY PHONE SYSTEM

Kevin Cavanaugh, explained the proposed upgrade to the County phone system at the Court House and gave a brief summary of the guaranteed discounts that will be included. He presented a Purchase Agreement for this upgrade with Communications Products, Inc. in the amount of \$80,742.76. Mr. Cavanaugh stated he had sent the contract to Greg Steuerwald, however, he had not received any comments. It was the consensus of the Commissioners to wait until review comments from Greg Steuerwald were received and for Mr. Cavanaugh to bring the contract back next week for further consideration.

IN THE MATTER OF HIGHWAY UNIFORM CONTRACT – UNI FIRST

Curt Higginbotham presented the revised Highway uniform contract with UniFirst-U 1st. John Ayers explained Greg Steuerwald had requested they negotiate with UniFirst to remove the liquidated damages clause and UniFirst has now agreed to remove this clause from this three-year contract. Commissioner Wathen moved to approve the three-year contract with UniFirst for Highway uniforms 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 SNOW REMOVAL

John Ayers presented a contract that was approved from Extreme Lawns for removal of snow in the 82 subdivisions in Washington Township, as approved last week, and stated Attorney Greg Steuerwald had reviewed the contract. Commissioner Wathen moved to approve the contract with Extreme Lawns for snow removal in the Washington Township subdivisions that are in the County 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.

Curt Higginbotham reported the snow removal the past several days has gone very well and on schedule.

IN THE MATTER OF CR 475W - SPEED LIMIT

John Ayers presented a request to advertise for a public hearing for a speed limit on CR 475W from CR 400S to CR 425S and to establish this speed limit at 40 mph. He explained the need to establish a speed limit at this location. Commissioner Wathen moved to approve the advertising to establish a speed limit on CR 475W from CR

400S to CR 425S, as requested. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF HORNADAY ROAD

John Ayers gave an update on the railroad crossing on CR 800E south of Hornaday Road and reported they are working to re-grade the slope and make some adjustments. He stated Curt Higginbotham is working to have the Highway Crew do this project.

IN THE MATTER OF TENTH STREET

John Ayers reported he had met with Avon Town Manager Tom Klein regarding Tenth Street and gave several options they discussed for this road.

IN THE MATTER OF DEPARTMENT HEAD EVALUATIONS

Commissioner Whicker read the following memo relative to the December 7, 2010 Commissioners evaluation meetings with department heads:

MEMO

TO: File
DATE: December 7, 2010

We hereby certify that the only matter discussed during the Hendricks Board of Commissioners Noon 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
Eric L. Wathen, Vice President
Phyllis A. Palmer, Member

IN THE MATTER OF BROOKE MOORE

Receipt was acknowledged of the December 2, 2010 letter from Cincinnati Insurance Companies relative to Brooke Moore regarding her obligation. There was discussion of this matter.

IN THE MATTER OF ESTATE OF KAYLE MATHERS

Receipt was acknowledged of the December 2, 2010 letter from GIE denying the claim of the Estate of Kayle Mathers, for the fatal accident of October 2, 2010 involving a vehicle accident on CR 200E. As stated in the letter the driver had admittedly consumed alcohol prior to the crash and was operating his vehicle at an excessive rate of speed of 105 miles per hour.

IN THE MATTER OF DOMICA O’NEAL

Receipt was acknowledged of the December 8, 2010 letter from GIE denying the claim of Damica O’Neal for his fall on the Courthouse steps on June 1, 2010 stating the denial was based that they found there was no breach of any public duty owed and no liability on behalf of Hendricks County.

IN THE MATTER OF TOWN OF DANVILLE

Receipt was acknowledged of a letter from the Danville Board of Zoning Appeals notifying of a public hearing relative to the Hendricks County Arts Council request to paint murals on the north side of the building located at 51 South Washington Street and to be allowed to include signage for the Royal Theater and the Gallery on the Square on the mural. The meeting is scheduled for Tuesday, December 21, 2010.

IN THE MATTER OF EMPLOYEE CHRISTMAS LUNCHEON

It was noted that 65 employees will be recognized at the annual Employee Christmas Luncheon at noon on Thursday, December 23, 2010 for their five, ten, fifteen, twenty and twenty-five years of continuous full-time service with Hendricks County.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. INDOT, Call for Nominations, several categories will receive awards. Does Hendricks County need to submit a nomination?

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:
 - a. Cincinnati Companies Bond Release Frank L. Kolacz
 - b. Cincinnati Companies Bond Release Joseph Myers
 - c. Cincinnati Companies Bond Release Leonard Keller

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the December 6, 2010 through December 10, 2010 Human Resources report from Ron Love, Human Resources Director.

IN THE MATTER OF DEPARTMENT HEAD EVALUATIONS

Commissioner Whicker announced that due to the current time it is well past the scheduled evaluation of County Engineer John Ayers and requested to move the evaluation of County Engineer John Ayers to Tuesday, December 21, 2010. It was the consensus of the Commissioners to move the evaluation for John Ayers to December 21, 2010 at 11 AM.

Commissioner Wathen moved to adjourn the Commissioners’ meeting at 11:45 AM. Commissioner Palmer 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