

May 9, 2012

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Wednesday, May 9, 2012 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:

Bob Gentry)	
Phyllis A. Palmer)	Hendricks County Board of Commissioners
Eric L. Wathen)	
Gregory E. Steuerwald		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
Sheriff Dave Galloway		Hendricks County Sheriff
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Don Reitz		Hendricks County Planning Director
Doug Morris		Hendricks County Systems Administrator
Kevin Cavanaugh		Hendricks County Facilities Manager
Judith Wyeth		Secretary to the Commissioners

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

IN THE MATTER OF MINUTES

Commissioner Gentry moved to approve the minutes of the April 24, 2012 meeting, as corrected. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Gentry moved to approve Claims #102275 thru 102347 and Direct Deposit #079672 thru 080082, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers reported INDOT let the bid for the Ronald Reagan Parkway from CR 100S to CR 200S. He also stated Milestone was the low bidder for concrete pavement in the amount of \$3,425,698.

John Ayers presented Amendment No. 1 with American Structurepoint, Inc. to the original Agreement for inspection of the Ronald Reagan Parkway from CR 100S to US 36 stating the original agreement anticipated an 18 month construction duration, but the actual construction duration as bid was three years. The increase in construction duration requires an increase in project personnel time and the consultant has requested the additional services be performed with a project completion date revised to January 11, 2013 with an increase of the original contract of July 7, 2009 of \$235,268 from \$1,168,385.53 to \$1,403,653.53. Commissioner Gentry moved to allow the extension of time for the contract Amendment No. 1 with American Structurepoint for the inspections of the Ronald Reagan Parkway from CR 100S to US 36 in the amount of \$1,403.653.53, as presented by the County Engineer.

Commissioner Palmer seconded the motion. John Ayers stated he will talk with representatives of the MPO on this funding. The motion was approved unanimously 3-0-0.

IN THE MATTER OF SCHNEIDER - EROSION

Marc Schneider, 4480 Pine Wood Court, Brownsburg, expressed his concerns regarding erosion along While Lick Creek southwest of Brownsburg. He stated his house is along the east bank of White Lick Creek, located on top of a hill and on the outside of a curve in the creek. He explained he and his family have spent a lot of money trying to stabilize the erosion problems, but the problem keeps returning and they now fear their homes may slide off a 35 foot cliff behind their homes. Mr. Schneider relates that the problem is getting worse because Brownsburg does not require enough retention in new developments. The additional concentration of water caused by the unrestricted release of water off of more impervious surfaces is contributing more water at a faster rate which causes more

erosion. Mr. Schneider presented letters of concern signed by Marc Schneider, Wendy Schneider, Todd Eder, Debbie Eder, and Chris Stuchlik. There was discussion of this problem. John Ayers explained a previous case on White Lick Creek with similar erosion problems to this and that they worked with the NRCS, Emergency Watershed Protection Program, to assist with this problem. It was the consensus of the Commissioners for Mr. Schneider and neighbors to contact June Hardesty of NRCS for assistance on this problem.

IN THE MATTER OF ORDINANCE NO. 2012-15
ZA-414/12: THOMAS VIERA AND DORIS CONLEY VIERA

Don Reitz presented ZA-414/12: J. Thomas Viera and Doris Conley Viera, a request for a zoning amendment change from NB/Neighborhood Business District to PB/Planned Business Park District for 1.52 acres in Clay Township, located on the west side of Milton Street, just south of Railroad Street in the Town of Coatesville. He explained the Plan Commission held a Public Hearing on April 10, 2012 and sends this zoning request with a favorable recommendation of 6-0-0. Mr. Reitz explained some issues with this property that are being resolved by the Board of Zoning Appeals (BZA). Commissioner Gentry moved to approve ZA-414/12, for Thomas and Doris Viera, as recommended by the Plan Commission, as Ordinance No. 2012-15. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EDIT FUNDS - STEEL DYNAMICS ROAD

Mike Graham stated the Commissioners need to approve the expenditure of \$300,000 of the EDIT funds for the road project at Steel Dynamics (SDI) near Pittsboro. This expenditure will allow a State Grant and SDI to start a \$75,000,000 expansion. He explained the Redevelopment Commission action on May 2, 2012 approving Resolution No. 12-04, a Resolution of the Hendricks County Redevelopment Commission Authorizing Reimbursements to Hendricks County from Tax Increment Revenues. Commissioner Gentry moved to authorize EDIT funds for this road project. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COMMUNICATIOINS

Mike Graham requested for the Communications Consulting Services recommendations to be continued to the next meeting in order to allow time to answer some questions and concerns. It was the consensus of the Commissioners to continue Communications Consulting Services to the May 22, 2012 meeting, as requested.

IN THE MATTER OF WHEEL TAX INCREASE

John Ayers reported he is beginning to receive responses of support to his letter to the towns requesting their support for a \$5 increase of the Wheel Tax to use for road maintenance. He stated some towns have this on their next meeting agenda and we will begin to hear from more in the next few weeks.

IN THE MATTER OF COUNTY ROADS

John Ayers advised he will go to the May 10, 2012 Council meeting to request use of the reimbursed funds be used for County road paving projects. He presented the proposed paving list for this year.

Commissioner Wathen requested that County Engineer John Ayers check the paving problems on the route between Lizton and North Salem, of CR 950N, CR 800N, CR 400W, CR 875N and CR 350W.

Commissioner Wathen reported CR 950N west of SR 39 is in need of repair and requested that it be added to the paving list.

IN THE MATTER OF SR 39 - LOCAL DETOUR

John Ayers presented the March 23, 2012 INDOT letter along with a map relative to the Unofficial Local Detour of SR 39 on CR 400S, 200 E. Market Street and CR 0 as they will be closing SR 39 for the pavement replacement through the Town of Clayton. Commissioner Gentry moved to approve the Local Detour with INDOT for CR 400S, 200E Market Street and CR 0 during the closing of SR 39 through Clayton. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CSX

John Ayers reported he will apply for additional funding from CSX for the Bridge No. 272 replacement project in anticipation of additional CSX requirements for the new bridge.

IN THE MATTER OF JAIL

Sheriff Dave Galloway introduced representatives from DLZ for their presentation of the three phases proposed for repair/upgrade of the Hendricks County Jail. Megan Morgan distributed handouts explaining each phase as she presented pictures of the current jail and of the proposed changes throughout the Jail along with the estimated cost of this project that would be completed in 2014. There was discussion of using the balance of funds from the General Obligation. The balance of construction funds from the Work Release GO bond is approximately \$1,000,000. Sheriff Galloway explained they had looked at using space in the Work Release, but it was very inconvenient, however, they have been utilizing some of the Work Release space for their training programs. It was the consensus of the Commissioners to send a letter to the Council requesting them to approve the funding for the Jail repair/upgrade and that given the costs associated with constructing a new jail it is their opinion that we need to invest in maintaining and improving our existing facilities.

IN THE MATTER OF TRANSFER

A transfer letter was presented to transfer \$10,300.00 from 1001-35600-000-135: Liability, to 1001-32101- 000-135: Sheltering Wings, in order to cover the 2012 appropriation for Sheltering Wings. Commissioner Palmer moved to approve the transfer of \$10,300 from liability to Sheltering Wings for their 2012 appropriation. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DON WRIGHT BUILDING

Mike Graham advised that Don Wright has provided a counter offer to the Commissioner's offer of \$100,000 for the building located at 62, 64 South Jefferson Street in Danville. The counter offer of \$180,000 was given to Attorney Greg Steuerwald. Mr. Graham recommended the Commissioners need to look at the merits of making the offer of \$120,000. Commissioner Gentry moved to counter offer \$120,000 for the Purchase Offer for the Wright Building in Danville. Commissioner Wathen seconded the motion and the motion was approved 2 -1-0 with Commissioners Gentry and Wathen voting aye and Commissioner Palmer voting nay.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham reported on the May 3, 2012 meeting of the Animal Control Advisory Group and stated they conducted their meeting first and had the "Wishes to be Heard" last on the agenda. He recommended that the Commissioners amend part of the fee schedule of the Hendricks County Animal Control Ordinance Manual dealing with giving animals to rescue groups until they can verify the various animal rescue groups. Commissioner Gentry

moved to authorize the staff to amend the Animal Control Ordinance regarding the verification of volunteer groups.

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

Mike Graham referenced the Humane Society offer to manage the Hendricks County Animal Control/Shelter and presented a draft letter to the Humane Society rejecting their offer to manage the Shelter. Commissioner Gentry moved to approve, sign and send the letter rejecting the Humane Society to manage the Shelter. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Cheryl Sackett explained the use of volunteer groups.

Carolyn Slaughter encouraged using volunteers.

Mike Graham announced the next Animal Control Advisory Group meeting will be on Tuesday, June 5, 2012 at 6:30 PM.

IN THE MATTER OF BROWNSBURG

Mike Graham reported on Friday, May 4, 2012 Attorney Greg Steuerwald, Attorney Chris Janak, Commissioner Wathen, Tom Bruns of Aqua Indiana and he met with representative from Brownsburg and after an extremely long day they reached an agreement to resolve the dispute over territory between the Hendricks County Regional Sewer District and Brownsburg. He explained the agreement will need to be ratified by the Brownsburg Town Council and the Regional Sewer District. and listed he primary terms of the agreement:

- The service area boundary between the RSD and Brownsburg is CR 900E in both Lincoln and Brown Townships. All customers and sewer facilities east of CR 900E are in the RSD service area and all customers and sewer facilities west of CR 900E are in the Brownsburg service area.
- The triangular service area bounded on the north by Hendricks/Boone County line, on the east by CR 900E and on the south and west by CSX rail line would be in Brownsburg’s service area.
- The Regional Service District will be given 18 months to install sewer lines to serve the area at the I-74 and Ronald Reagan Parkway at the approximate cost of \$1,660,000. The sewer lines will be paid for by the RSD.

Mr. Graham presented the proposed agreement or MOU, (Memorandum of Understanding) that will be considered by the Regional Sewer District Board at their May 9, 2012 meeting and stated the next step in the process is for the Brownsburg Town Council to ratify the agreement.

IN THE MATTER OF 56TH STREET

There was discussion of the bond for reconstruction of 56th Street east of SR 267 to the Marion County Line and the possible change in payment due by Brownsburg as a result of their proposed consolidation with Brown and Lincoln Townships. Greg Steuerwald stated he will check on this matter and report back.

IN THE MATTER OF COMPUTER DEPARTMENT - DANVILLE LIBRARY

Doug Morris presented a check in the amount of \$700 for the balance due the County for the use of scanning equipment of old records for the Danville Public Library.

IN THE MATTER OF EXECUTIVE SESSION

Commissioner Wathen acknowledged the following memo relative to the 11:30 AM Executive Session on Tuesday, April 24, 2012:

M E M O

TO: File
DATE: April 24, 2012

We hereby certify that the only matter discussed during the Hendricks Board of Commissioners 11:30 AM 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

Eric L. Wathen, President
Phyllis A. Palmer, Vice President
Bob Gentry, Member

IN THE MATTER OF TORT CLAIM

Receipt was acknowledged of a Tort Claim from Ken Nunn Law Firm for incident of December 9, 2011 when claimant Stephanie Austin was a passenger in a vehicle that hit a Plainfield Fire Truck making an emergency run within the Town of Plainfield. It was noted this tort claim has been scanned to Greg Steuerwald and John Parmley.

IN THE MATTER OF CORRESPONDENCE

Commissioner Wathen acknowledged receipt of the following:

Correspondence:

- 1. Letter from Shawn Smith advising of public hearing on May 15, 2012 regarding petition of the Danville Board of Zoning Appeals for a variance to allow construction of an accessory garage within the front yard setback, located at 754 Polley Drive, Danville, Indiana.
- 2. Letter of April 23, 2012 from IDEM advising the Office of Water Quality, Facility Construction Section has received a sanitary sewer permit application on April 20, 2012 from Mr. Tim D. Paino, Prime Ministries, Inc. as required by IC 13-15-3-1 and if approved the permit would allow the applicant to construct Indiana Trails in Avon, Indiana.
- 3. Letter of May 3, 2012 advising that the IDEM Office of Water Quality has received an application from Citizens Water as applicants are required to place certain types of applications at the local library.

Action needed/taken on the following:

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|---|------------------------------------|
| 1. Checks received and signed to the county: | \$20,000 OneBeacon – Cypress Manor |
| 2. Commissioner Wathen signed vehicle titles for the following: | 2009 GMC Van – Animal Control |
| 3. Documents needing action: | None |

IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for April 23 to May 4, 2012 from James McBryant, Cypress Manor Director.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for April 23 through May 4, 2012 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for March 30 to April 6, April 7 to April 13, and April 14 to April 20, 2012 from Curt Higginbotham, Highway Superintendent.

IN THE MATTER OF PLANNING

Receipt was acknowledged of the May 1, 2012 Planning and Building Report of Collections from Don Reitz, Planning Director.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 10:45 AM Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Eric L. Wathen, President

Phyllis A. Palmer, Vice President

Bob Gentry, Member

ATTEST: _____
Judith Wyeth, Deputy Auditor

