

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, August 28, 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
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Doug Morris		Hendricks County Network 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 August 14, 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 #233377 thru 233555, #233663 thru 233693, #233599 thru 233705, #233712 thru 233718, #233722 thru 23730, #102852 thru 102914 and Direct Deposit #083151 thru 083579, 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 announced the construction of the current section of the Ronald Reagan Parkway would be completed in December 2012.

John Ayers reported he has talked with representatives of the Town of Avon relative to the proposed signal light at CR 100S and Ronald Reagan Parkway and estimated the cost at \$100,000. He stated he will work with Avon to share in the cost of this signal. There was discussion of the funding, design and installation of this signal light and the need for an agreement with the Town of Avon. It was the consensus of the Commissioners for Greg Steuerwald and John Ayers to work on resolving this matter and bring back a recommendation.

IN THE MATTER OF JAIL

John Ayers presented the schedule for Notice to Bidders and awarding the bid for the proposed renovation and repair of the Jail.

IN THE MATTER OF B&O TRAIL

John Ayers presented the Indiana Transportation Enhancement (TE) Program 2012 Application for the B&O Trail in the amount of \$202,000 with the proposal that has been submitted to INDOT for the trail. He stated in order to meet the deadline this application had already been submitted. Commissioner Gentry moved to allow this application for funding of the B&O Trail 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 SR 267

John Ayers presented a letter to Alan Plunkett, District Deputy Commissioner of the Crawfordsville District of INDOT, relative to the relinquishment of SR 267 from I-70 to US 36 accepting the shared use portion on US 40 for a total of 7 certerline miles. These miles will be divided with 3.72 miles in Plainfield, 1.21 miles in Avon and 2.07 miles in the County. He stated the bridges would become the responsibility of the County. Also included are 9 traffic

signals, with 1 in the County 2 in Avon and 6 in Plainfield. In exchange for taking over maintenance and construction of this roadway, the local agencies proposed that INDOT commit to provide a list including bridge construction, two roundabout constructions, reconstruction, funding for crack sealing, funding for bridge and underfill structure and funding for 10 years of maintenance costs for a total of \$21,317,453. It was the consensus of the Commissioners to send this letter to INDOT with copies to the stated towns.

IN THE MATTER OF CELL TOWER LEASE

John Ayers presented the August 24, 2012 Letter Agreement from Crown Castle with a revised lease for the cell tower, located at the Highway garage in Danville, Business Unit # 877662. The original lease was executed for a period of twenty-five year from October 14, 1996 thru April 11, 2022 and Crown Castle was requesting to extend the lease, with conditions, to April 1, 2042. There was discussion of this lease and the extension of time. Commissioner Gentry moved to not extend the cell tower lease with Crown Castle beyond the remaining ten (10) years.

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

IN THE MATTER OF SYCAMORE SERVICES - LINK BARN / GARAGE

John Ayers presented the Specifications and Contract Documents for the Construction of Sycamore Services Transit Facility Turnkey Design/Build Project, located at Sycamore Services Facility, 1001 Sycamore Lane, Danville, IN, in the amount of \$298,660 with Johnson Solutions. This project is the garage/barn for storage of the Link vehicles. Commissioner Gentry moved to approve and execute the contract for the Hendricks County Transportation Building. for the Link garage / barn, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PRO LIANCE ENERGY

Kevin Cavanaugh presented the ProLiance Energy – Expansion of natural gas services for other County buildings. He stated Vectren is broadening the opportunity to purchase natural gas from third party providers and can add other County buildings including Adult Probation, Animal Shelter, Court House, Cypress Manor, Highway, Jail Garage, Juvenile Probation, County Museum, Old Community Building, Prosecutor’s Office and Work Release with an anticipated savings of \$9,243 annually, based on 2011 and 2012 uses. Commissioner Gentry moved to approve and combine all County buildings on the ProLiance Energy plan to save the County money. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Mr. Cavanaugh further stated Vectren will need authorization to make the change in service to other buildings and he will bring a letter for execution next month.

IN THE MATTER OF FORMER AIRPORT (AEROTROPOLIS)

Mike Graham reported the next meeting of Aero Vision for the former airport project is set for August 29, 2012 and the group is developing an Interlocal Cooperation Agreement for the participating units to sign. He presented a draft agreement that has been dramatically watered down from the initial version and noted the scope of the original Aerotropolis concept has been reduced. The Airport Authority would like to see the agreement signed by the various units by the end of October. It was the consensus of the Commissioners for Greg Steuerwald to review the language in the agreement and bring back to the September 11, 2012 meeting.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham referenced that during the 2013 budget hearings we heard from the Council that they would be willing to listen to an additional appropriation request for additional overtime at the Shelter. He stated he had asked Human Resources Director Ron Love to work with Chief Animal Control Officer Mary Anne Lewis and Financial Administrator Tami Mitchell to determine what should be the requested amount. They have estimated an additional \$8,509.14 is needed in overtime money for the balance of 2012. It was the consensus of the Commissioners to send a request for additional appropriation for additional overtime for Animal Control for the remainder of 2012.

Mike Graham explained the doors from the inside cages to the outdoor runs at the Animal Shelter do not work. Animals have gotten trapped between the doors or they have gotten trapped by the doors. There continue to be complaints about the animals not being able to use the outdoor runs. He stated they have received an estimate from Wayne Harmless to redo the doors for \$10,715 and Ms. Lewis is looking to find an alternative design to reduce this cost. Mr. Graham also stated that in addition to the door problem there is a problem with dogs climbing out of their cages and chain link fencing needs to be installed on the tops of the cages for an estimate of \$6,875. Commissioner Gentry stated he has additional fence to cover these cages to keep the animals from climbing out that he will donate and be at no charge to the County. Kevin Cavanaugh stated he will work with the contractor to determine the gauge of the fence, and the estimate needed to resolve this issue.

Mike Graham reported Chief Animal Control Officer Mary Anne Lewis has advised that all of the cats at the Shelter have the cat herpes virus and staff can treat this disease but cannot cure the virus. The Shelter cannot take any more cats because they will become infected. Staff advises any potential adopters of the problem and consequently no one is adopting cats. He stated Ms. Lewis has asked for a written opinion from the State Board of Animal Health for a recommendation on what are the best practices for a shelter with a room full of sick cats and the State will not provide a written opinion. Mr. Graham stated either we put down the sick cats or we do not accept anymore cats. It was the consensus of the Commissioners to put down the sick cats.

Mike Graham announced he had talked with both Dr. Blake Deckard and Dr. Sarah Koelinger with the Animal Clinic of Plainfield and both were agreeable with filling one position on the Animal Control Advisory Group and alternating the meetings and to serve on the Animal Control Advisory Group to fill the veterinarian position on the Animal Control Advisory Group. Commissioner Gentry moved to appoint Dr. Blake Deckard and Dr. Sarah Koelinger to fill the one Veterinarian position on the Animal Control Advisory Group and to alternate attendance at meetings. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Receipt was acknowledged of the August 20, 2012 letter from Gary M. Maloney, DVM of the new Winchester Animal Clinic. There was discussion of the letter. It was the consensus of the Commissioners for Mike Graham to respond to Dr. Maloney's letter.

IN THE MATTER OF NUISANCE (NOISE) ORDINANCE

Mike Graham advised that three families who live in Middle Township have complained to the Planning and Building Department about a neighbor's shooting guns on their property. He stated the Planning Department has

advised the complainants that we have no regulations for persons shooting guns on their property provided it is not a commercial shooting range. There was discussion of establishing a Nuisance Ordinance or Noise Ordinance. The Commissioners requested Counsel to look at an existing Nuisance Order in Plainfield.

IN THE MATTER OF REFUND ORDINANCE

Commissioner Wathen explained a local ordinance in Johnson County that gives the County more revenue for traffic tickets issued on County roads. Attorney Greg Steuerwald said he would check on this ordinance.

IN THE MATTER OF HENDRICKS REGIONAL HEALTH BOARD

Commissioners Wathen read the August 23, 2012 letter from David E. Lawson, Attorney, submitting his letter of resignation from the Hendricks Regional Health - Board of Trustees, effective August 23, 2012. Officially he has four months remaining on his term as his term expires December 31, 2012, however, he feels he should resign at this time. Mr. Lawson has served on the Board of Trustees of Hendricks Regional Health since 2000. It was noted there is no other Board Member with an expiring term in 2012, however, there will be two appointments expiring at the end of 2013 – Kathleen Corbin and Dr. Chuck Nelson. Commissioner Palmer requested a letter be sent to David Lawson expressing our appreciation to him for serving twelve years on the Board of Trustees of the Hendricks Regional Health. It was the consensus of the Commissioners to send an appreciation letter to Mr. Lawson.

IN THE MATTER OF CYPRESS MANOR

James McBryant emailed a request for the permanent admission of two brothers to Cypress Manor. He stated these individuals came on emergency placement from the Washington Township Trustee. They had been living with their mother, but were told by their step-father that they had to leave and while their mother was willing to allow them to continue living with her she was compelled to comply with her husband’s wishes. Mr. McBryant stated he had talked with the mother and had confirmed this situation. He advised they have worked at temporary jobs and they both intend to seek employment. Commissioner Gentry moved to approve admission of these two individuals to Cypress Manor, as recommended by Mr. McBryant. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PLAINFIELD – WAGE COMMITTEE APPOINTMENT

Commissioner Wathen acknowledged an email from Plainfield Town Manager Rich Carlucci, requesting an appointment to the Plainfield Common Construction Wage Committee and requesting this appointment be Steve Craney as he is a resident of Plainfield. Mr. Carlucci also requested this appointment be made for the remainder of 2012. Commissioner Gentry moved to appoint Steve Craney to serve on the Common Construction Wage Committee for the Town of Plainfield for the remainder of 2012. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF TORT CLAIMS – NICHOLS, NICHOLS AND WIENEKE

Receipt was acknowledged of three Tort Claims from Ken Nunn Law Office for three individuals, Matthew J. Nichols, individually and as parent of Patricia M. Nichols, a minor; Patricia A. Nichols; and Susan I. Wieneke. These claims are for injuries received in incident of August 5, 2012 when their vehicle was hit head-on by another vehicle on SR 267. It was noted the Notice of Claim for each individual had been scanned to John Parmley and Greg Steuerwald.

Receipt was also acknowledged of correspondence from OneBeacon stating the accident occurred on State Road 267, which is not owned or controlled by Hendricks County and stating these claims are therefore denied.

IN THE MATTER OF TORT CLAIM – POINDEXTER

Receipt was acknowledged of a Tort Claim from Yosha Cook Shartzter & Tisch, Attorneys at Law, on behalf of Donald Kevin Poindexter for incident on or about March 9, 2012 as a result of his termination and mistreatment by the Plainfield Community School Corporation. The claim was scanned to Greg Steuerwald and John Parmley.

Receipt was also acknowledged of a copy of a letter from OneBeacon advising that the County was not negligent and stating this letter was a formal denial of this claim against the County.

IN THE MATTER OF EXECUTIVE SESSIONS

Commissioner Wathen read the following memos relative to the 11:30 AM August 14, 2012 Executive Sessions:

MEMO

TO: File
DATE: August 14, 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

MEMO

TO: File
DATE: August 14, 2012

We hereby certify that the only matter discussed during the Hendricks Board of Commissioners 11:40 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

It was the consensus of the Commissioners to approve and sign the File Memo for the August 14, 2012 Executive Session at 11:30 AM and the File Memo for the August 14, 2012 Executive Session at 11:40 AM.

IN THE MATTER OF CORRESPONDENCE

Commissioner Wathen acknowledged receipt of the following:

Correspondence:

1. IDEM August 10, 2012 Notice of 30-day period for public comment for preliminary findings regarding the renewal of a Part70 operating permit for Phoenix Fabrications and Erectors, Inc. in Hendricks County Part 70 Operating Permit No. T 063-31153-00047.
2. IDEM Notice of Decision: Approval – Effective Immediately for Twin Bridges Recycling and Disposal Facility 063-30913-00039 and Part 70 Operating Permit Renewal of Office of Air Quality for Twin Bridges.
3. IDEM Notice of Decision – Approval Twin Bridges Recycling / 063-32-62-00029 Operating Permit Renewal Office of Air Quality.
4. State Use Committee Annual Report highlighting the achievements of the State Use Program.
5. Hendricks County Professional Firefighters Local 4406 will be conducting a one-day fire ground operations orientation for civilians, including elected public officials and area chamber members, on

Action needed/taken on the following:

1. Checks received and signed to the county: \$6,206.03 Comcast Franchise Fee-
\$ 300.00 Rokita Office Rent
2. Commissioner Wathen signed vehicle titles for the following: None
3. Documents needing action: None

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for August 13 – August 24, 2012 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for July 9 to July 13, 2012, July 16 to July 20, 2012, July 23 to July 27, 2012 and weeks ending August 3 and August 10, 2012 from Curt Higginbotham, Highway Superintendent.

IN THE MATTER OF VETERANS AFFAIRS

Receipt was acknowledged of the City and State VSC’s Monthly Report for July 2012 from Lori Turpin, Veterans’ Service Officer.

IN THE MATTER OF MESSAGING WORK SHOP

Commissioner Wathen announced there would be a special Messaging Work Shop Presentation to 10 AM in Room No. 4-5 today following the meeting.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 11:05 AM to go to the Work Shop on Messaging. 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

