

September 25, 2012

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, September 25, 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
Don Reitz		Hendricks County Planning Director
James McBryant		Administrator Cypress Manor
Kevin Cavanaugh		Hendricks County Facilities Manager
Douglas Morris		Hendricks County Systems Administrator
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 September 11, 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 #234141 thru 234970, #102982 thru 193946 and Direct Deposit #084021 thru 084486, 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 gave an update on Ronald Reagan Parkway stating construction continues and the Ronald Reagan Parkway remains on schedule.

John Ayers announced the Avon Town Council will sign the agreement for signal design for the proposed signal at CR 100S and Ronald Reagan Parkway at their next meeting. He stated this signal light is to be funded 50 – 50 between Hendricks County and the Town of Avon for an estimated \$100,000. Mr. Ayers also stated at the September 11, 2012 meeting the Commissioners approved the quote from Cross Roads Engineering for the design of this signal light in the amount of \$ 11,500.

IN THE MATTER OF ORDINANCE NO. 2012 – 22
ZA-309/12 THE BRANCHES - RYAN HOMES

Don Reitz presented ZA 309/12 an amendment to the approved PUD Ordinance and Recorded Commitments, for a major subdivision/planned unit development (MAP 686 / PUD 31), The Branches (Ryan Homes), on 224.64 acres, Brown Township, S5-T16N-R2E, located at the northeast corner of CR 650 N and CR 1000 E (Steven D. Hardin/Faegre Baker Daniels, LLP). Mr. Reitz stated the Plan Commission held a public hearing on September 11, 2012 and sends with a 7-0-0 favorable recommendation. Receipt was acknowledged of a letter in opposition to this amendment from Thomas J. Diffenderfer in Lot 7 of the Branches. There was discussion of this request and of the homes built in this development. Commissioner Gentry moved to approve the amendment to the approved PUD Ordinance and Record Commitments for a major subdivision, The Branches (Ryan Homes) as Ordinance No. 2012 – 22, as recommended by the Plan Commission. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2012 – 23
ZA-416/12 RENK LABECO TEST SYSTEMS CORPORATIOIN

Don Reitz presented ZA 416/12: Renk Labeco Test Systems Corporation; a zoning amendment change from LI/Light Industrial District and MI/Major Industrial District to LI/Light Industrial District, 2 lots, 3.37 acres, Guilford Township, S20-T14N-R2E, located on the west side of Union Mills Drive, approximately .06 mile north of County Line Road in the Heartland Crossing Business Park. (Ken Rustin/Renk Labeco Test Systems Corp.). Mr. Reitz stated the Plan Commissioner held a public hearing on September 11, 2012 and sends with a 7-0-0 favorable recommendation. There was discussion of this type of activity in this area. Commissioner Gentry made a motion to approve the Renk Labeco Test Systems Corporation zoning amendment change from LI/Light Industrial District and MI Major Industrial District to LI/Light Industrial District as Ordinance No. 2012 – 23, as recommended by the Plan Commission. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF JAIL RENOVATIONS

Scott Carnegie, DLZ, gave a Construction Document Presentation on the Hendricks County Jail Improvements and distributed handouts showing probable project cost and explained the base bid scope of work in the amount of \$2,200,000 for these improvements. He explained the probable alternate bid construction cost of 3rd floor storage remodel in the amount of \$31,000 and replace carpet at existing detective offices in the amount of \$4,000. Mr. Carnegie went through the project schedule beginning August 15, 2012 through July 2013 stating bids for this project were scheduled to be opened on October 23, 2012 and taken under advisement with awarding of the bids scheduled on November 13, 2012. There was discussion on this time frame and of the scope of work. Commissioner Gentry moved to approve the DLZ Probable Project Cost and Project Schedule, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2012 – 24
VACATION OF RIGHT-OF-WAY - BRADLEY AND LORI WILSON

Attorney Ben Comer presented a Petition to Vacate Right-of-Way for Brad and Lori Wilson, 5064N SR 75, North Salem, IN, located in the northwest quadrant of the intersection of SR 75 and CR 500N. Mr. Comer explained this was due to an error in the plotting of this parcel and that the applicant is now paying taxes for two separate parcels, however, with the approval of this vacation he can re-plat these two parcels as one. John Ayers explained right-of-way to County and the INDOT right-of-way. Commissioner Wathen opened the Public Hearing for this vacation of right-of-way. There was no public comment. Commissioner Gentry moved to close the Public Hearing for this vacation of right-of-way. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Commissioner Gentry moved to approve the Vacation of Right-of-Way for Bradley and Lori Wilson, as presented, as Ordinance No. 2012-24. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SUNCHASE

Attorney Ben Comer presented a request for assistance to acquire land from the former Sunchase Development Corporation for a 50 ft easement for ingress and egress to the real estate east of the Sunchase Real Estate and explained the problems the purchaser has encountered with the bank on buying this parcel. John Ayers further

explained this right-of-way easement on Ronald Reagan Parkway. There was discussion of this issue. It was the consensus of the Commissioners to set up a meeting with all parties to discuss this easement.

IN THE MATTER OF DOMESTIC VIOLENCE AWARENESS PROCLAMATION

Receipt was acknowledged of an email from Julie Randall, Hendricks County Coalition Against Domestic Violence, requesting a proclamation in honor of Domestic Violence Awareness Month, for the month of October. Commissioner Palmer read the following proclamation:

Hendricks County, Indiana
Domestic Violence Awareness Proclamation

WHEREAS, the family is the foundation of a safe and healthy community. It is a goal of this administration for our communities to be safe;

WHEREAS, the problem of domestic violence affects all citizens of Hendricks County crossing all racial, social, religious, ethnic, geographic and economic groups;

WHEREAS, domestic violence is a crime of power and control most often inflicted on women and children;

WHEREAS, domestic violence in any form is abuse and is unjustifiable;

WHEREAS, each person has dignity and worth and is entitled to a safe environment;

WHEREAS, children from violent homes are at risk; violent behavior is a learned response and is often passed down from generation to generation;

WHEREAS, A coordinated community response to domestic violence is most effective for intervention and prevention;

NOW, THEREFORE, in recognition of the impact that domestic violence has on the health and well being of our community, we, the Commissioners of Hendricks County, Indiana, do hereby proclaim October 2012 as Domestic Violence Awareness Month.

FURTHER, we are committed to reducing violence and increasing awareness of domestic violence in our community. We urge all citizens to take action to end domestic violence by supporting community efforts to assist victims and survivors. Please remember those who have lost their lives to domestic violence; those who continue to struggle to break free; and those who have found freedom.

<i>Dated: September 25, 2012</i>	<i>Hendricks County Board of Commissioners</i>
<i>(SEAL)</i>	<i>Eric L. Wathen, President</i>
	<i>Phyllis A. Palmer, Vice President</i>
	<i>Bob Gentry, Member</i>

Commissioner Palmer moved to approve and sign the proclamation in observance of Domestic Violence Awareness Month, for the month of October, as read. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Julie Randall requested a Commissioner to read this proclamation at the October 25, 2012 gathering at Sheltering Wings. It was the consensus of the Commissioners to determine a reader for this event and report back to Ms. Randall.

IN THE MATTER OF ENERGY SAVINGS

Kevin Cavanaugh presented the Vectren Energy Delivery of Indiana – Government Transportation Gas Service Agreement (Two Party-Vectren and Hendricks County) for energy savings for all County building with ProLiance. He stated this agreement has been sent to Greg Steuerwald for review. Commissioner Gentry moved to approve the Gas Service Agreement (Two Party-Vectren and Hendricks County) with ProLiance, as presented. Commissioner

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

Kevin Cavanaugh presented a Second Amendment to Natural Gas Sales and Service Agreement with ProLiance and stated this amendment has been sent to Greg Steuerwald for review. Commissioner Gentry moved to approve this Second Amendment to Natural Gas Sales and Service Agreement with ProLiance, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BROWNSBURG LIBRARY BOARD

Commissioner Wathen announced an appointment to fill a vacancy on the Brownsburg Library Board of Trustees was continued from the previous meeting. Commissioner Palmer stated Lori Turpin had expressed an interest in serving on the Brownsburg Library Board. She stated Ms. Turpin is a resident of Brownsburg and a frequent visitor to the Brownsburg Library. Commissioner Palmer moved to appoint Lori Turpin to serve on the Brownsburg Library Board of Trustees from January1, 2013 through December 31, 2016. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF NUISANCE ORDINANCE

Commissioner Wathen explained some issues with noise and other nuisances and the concerns of citizens to establish a Nuisance Ordinance. Greg Steuerwald explained some legal issues with a Nuisance Ordinance and stated there is a legal nuisance order that citizens can use through the court system. There was discussion of this ordinance, of the enforcement, of neighborhood conflicts and of citizens being told to contact the Commissioners regarding adopting a Noise or Nuisance Ordinance. It was the consensus of the Commissioners to not adopt a nuisance ordinance, but to refer citizens to file legal action. Greg Steuerwald stated he will talk to the Sheriff to direct citizens to file legal action when there is a nuisance or noise issue. Commissioner Wathen stated he will talk to two of the citizens that had made complaints.

IN THE MATTER OF AVON - TRAFFIC SIGNALS

John Ayers presented a Letter of Mutual Agreement with the Town of Avon for installing Emergency Preemption Equipment on County Signals at the following locations:

County Road 100S and County Road 625 E
County Road 100N and Raceway Road
County Road 200N and Raceway Road

This equipment is being installed to allow for quicker response times for first responders and will enhance the safety of firefighters, police and traveling public during emergency runs. The Town of Avon will be responsible for the installation of wiring and an emitter on the signals as well as programming the controller in the cabinet in order for the equipment to function properly and all work will be completed by the Town of Avon. Commissioner Gentry moved to approve and sign the Letter of Mutual Agreement with the Town of Avon for the three signals at the intersections as stated. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SR 267

John Ayers reported he is working with Alan Plunkett of the Crawfordsville District of INDOT to clarify the proposed swap with the State for a portion of SR 267. They are now proposing to grant the County the portion to the south line of Brownsburg, which will change the numbers of miles and the number of bridges. He advised he

will meet with representatives from the Town of Avon and Plainfield to further discuss this matter.

IN THE MATTER OF LINK BARN / GARAGE

John Ayers announced construction of the Link barn / garage near Sycamore Services for storage of the Link vehicles has begun.

IN THE MATTER OF WHEEL TAX

John Ayers gave an update on the wheel tax and made some improvement options for the County to receive HISP funding. There was discussion of funding. It was the consensus of the Commissioners for John Ayers to check further on these options.

IN THE MATTER OF SIGNAGE

Commissioner Palmer suggested signage, “Welcome to Hendricks County”, be placed at the four major entrances to Hendricks County with two signs on I-70 and two on I-74. She stated she had talked with a couple of Board Members of the Tourism Bureau to fund these signs. There was discussion that a least one other county has a sign in the INDOT right-of-way. The Commissioners requested John Ayers to check with INDOT for approval to place these signs at the designated locations.

IN THE MATTER OF PRESTWICK

Commissioner Palmer advised that a resident had concerns the construction traffic for the Parks of Prestwick development is wearing away the roads in Prestwick. John Ayers stated he will check on these roads.

IN THE MATTER OF LOCAL CONTRACTORS

Commissioner Wathen reported he had received an email complaining there was no bid process for the recent work at the Prosecutor’s Office and that the County did not use local contractors. Kevin Cavanaugh responded the Prosecutor’s Office was an emergency situation and they used the contractor that did the original work. He stated the County does use local venders on County projects and mentioned several local vendors recently used. John Ayers explained when a project goes to bids every vendor has the opportunity to submit a bid, however, when there are emergencies they often use the vendor that did the original work. Mr. Cavanaugh stated he will compile a list of local vendors the County has used on recent projects and send to the Commissioners

IN THE MATTER OF COURT HOUSE BASEMENT

Commissioner Wathen advised he had attended a meeting in the Court House and employees in the Court House complained about the excessive moisture in the basement. Kevin Cavanaugh stated this was an old building and sometimes there was moisture and even some water in the basement when it rains. He stated maybe a sump pump would solve the problem, but that would be very expensive. John Ayers explained the moisture is an ongoing concern and explained several ways they had addressed this problem over the years and they continue to work to eliminate the moisture. There was discussion of this matter. It was the consensus of the Commissioners for Kevin Cavanaugh to check on the cost of possible solutions and bring back a recommendation.

IN THE MATTER OF MESSAGING

Commissioner Wathen stated the Commissioners had attended a presentation on messaging on August 28, 2012 and need to discuss this at their next meeting. He requested that Messaging be added to the October 9, 2012 agenda.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham reported Mary Anne Lewis, Chief Animal Control Officer, has talked to the ASPCA about doing an

inspection of the Animal Shelter. The ASPCA has a Shelter Outreach Service to review and make recommendations about the operations of an animal shelter. If a shelter gets a good review it can be used as a tool to combat criticisms. Mr. Graham stated on September 25, 2012 he plans to participate in a conference call with the ASPCA staff and Mary Anne to talk about a review of our shelter.

IN THE MATTER OF JE-TO LAKE

Mike Graham reported the Je-To Lake Conservancy District is making application for another grant for purposes of trying to fix their dam and stated they need a letter to the Department of Natural Resources (DNR) to be approved and signed by the President of the Commissioners. He stated that because the Commissioners have approved and signed a previous grant application for Je-To Lake he felt they would be in agreement with another grant application for Je-To Lake. Mr. Graham stated Commissioner Wathen has signed the letter and the Commissioners need to ratify his action. Commissioner Gentry moved to approve the letter to Je-To Lake Conservancy District grant application and ratify on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BEECHWOOD FARMS BOND

Mike Graham explained Avon annexed a subdivision, Beechwood Farms that was approved by the County. The developer established a bond in favor of the County for the improvements. The developer did not make all the improvements and Avon asked for the bond amount but the bond company would not pay Avon because the bond was made to the County. Avon tried to have the bond assigned to them by the County and the bonding company would not accept the assignment. Avon would like the County to join a lawsuit they anticipate filing against the bond company. Avon would pay for the lawsuit but they feel it is important for the County to be included because the bond is in the name of the County. Don Reitz stated the County is the oblique. Roger Salsman, Planning Department Inspector, explained the need for completion of the streets in this development. There was discussion of this possible lawsuit. Commissioner Gentry moved to join with Avon in this lawsuit for forfeiture of the bond on Beechwood Farms. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF WOODCREEK CROSSING

Mike Graham stated Steve Denhart with Hendricks County Bank & Trust is seeking to sell a lot in Woodcreek Crossing. Because the developer is no longer around and the bonding company will not honor their obligation to pay the bond we are refusing to issue building permits. Mr. Denhart does not think it is fair to not issue building permits and we think it is not fair for the developer and the bonding company to not meet their obligations. Mr. Graham stated if we do not get the subdivision improvements completed and we continue to allow people to build houses we will have a bigger problem when the home owners come to us and want the streets or other improvements completed. We have an obligation to homeowners to assure the subdivision improvements are completed. Also we have an obligation to make sure the County does not use taxpayer dollars to complete street improvements or other subdivision improvements that are the obligation of the developer. Don Reitz stated that unfortunately, the person who owns a vacant lot gets hurt if we have a building permit restriction and explained the bankruptcy. Roger Salsman stated this development was started in 2007 and has five remaining building lots. The Builders Association

of Greater Indianapolis believes it is illegal to not issue a building permit in this case. Greg Steuerwald stated he will check further on this and bring back a report at the next meeting.

IN THE MATTER OF CYPRESS MANOR

James McBryant presented an application for the emergency admission of Justin K. Norris to Cypress Manor for a limited time and explained the Center Township Trustee would pay toward this resident. Mr. McBryant explained a brief history of this individual and stated the individual has part-time employment and is looking for full time work. There was discussion of this situation. Commissioner Gentry moved to approve the emergency admission of this resident to Cypress Manor until one week after the baby is born to his girlfriend. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Receipt was acknowledged of the Cypress Manor report for September 10 to September 23, 2012 from James McBryant, Cypress Manor Director.

IN THE MATTER OF VETERANS’ PROGRAM

A request was acknowledged from Lori Turpin, Veteran Service Director, for use of the Court House Rotunda on Monday, November 12, 2012 for the annual Veterans’ Day Program that will begin at 11:15 AM. Commissioner Palmer stated Ms. Turpin always presents a very impressive program. It was the consensus of the Commissioners to approve the request from Lori Turpin to use the Court House Rotunda for the annual Veterans Program on Monday, November 12, 2012.

IN THE MATTER OF EMPLOYEE CHRISTMAS LUNCHEON

Receipt was acknowledged of several menu suggestions for the Employee Christmas Luncheon from Karen Mendenhall of A Lovin Spoonful Catering for \$12, the same as last year. It was noted last year we served 310 employees. It was the consensus of the Commissioners to approve the same menu items as last year.

IN THE MATTER OF GOVERNMENT CENTER PARKING LOTS

It was noted the Danville Student Council called to request use of the Government Center parking lots for their Homecoming Parade on Friday September 29, 2012. They requested to start pulling in floats at 4 PM. It was the consensus of the Commissioners to approve the request of the Danville Student Council to use the Government Center parking lots to line up the floats for their annual Homecoming.

IN THE MATTER OF HOSPITAL BOARD

A draft appointment letter to Erin Engels for the Hospital Board was presented for execution. It was the consensus of the Commissioners to sign and send the letter to Ms. Engels.

IN THE MATTER OF TRANSFER LETTER

A transfer letter was presented to correct a typo on the 2012 budget in overtime and to request a transfer from the equipment line in the amount of \$1,200 for overtime: 1001-13599-000-135. It was stated this will make the 2012 overtime the same as 2011 and 2010. Commissioner Gentry moved to approve the transfer of \$1,200 from equipment to overtime. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0

A transfer letter was presented to transfer \$400 from copy paper to 1001-13559-000-135: office supplies to cover the new Commissioners’ Minute Book #37. Commissioner Gentry moved to approve the transfer of \$40 from copy paper to office supplies as requested Commissioner Palmer seconded the motion and the motion was approved

unanimously 3-0-0.

IN THE MATTER OF EXECUTIVE SESSIONS

Commissioner Wathen read the following memo to file regarding the September 11, 2012 Executive Session:

M E M O

TO: File
DATE: September 11, 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

Commissioner Wathen also read the following memo to file regarding the September 19, 2012 Executive Session:

M E M O

TO: File
DATE: September 19, 2012

We hereby certify that the only matter discussed during the Hendricks Board of Commissioners 4:00 PM 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 execute the file Memo for the Executive Session on September 11, 2012 and the file Memo for the Executive Session on September 19, 2012.

IN THE MATTER OF TAX SALE

Auditor Cinda Kattau reported the 2012 Tax Sale was held on Friday, September 21, 2012 and of the original listing of 374 there were 117 properties offered for sale and they sold 64 for a total of \$3,000,000. She also stated that of that amount only 10% was actual taxes.

IN THE MATTER OF I-PADS

Commissioner Palmer inquired the status of the Commissioners receiving I-Pads for use during their meetings. Doug Morris stated at budget time the Council decided they would wait until they could determine if employees got a raise before purchasing I-Pads. There was discussion this would be a Council decision. It was the consensus of the Commissioner that if employees receive a raise this year that they will consider requesting I-Pads.

IN THE MATTER OF CORRESPONDENCE

Commissioner Wathen acknowledged receipt of the following:

Correspondence:

1. IDEM letter of September 14, 2012 stating the IDEM Office of Air Quality (OAQ) has received an application from t RBC Manufacturing Corporation, 9899 E CR 200S, Avon, Indiana.
2. Cummins Agenda for Thursday, September 27, 2012 and minutes of the August 2, 2012 Cummins Behavioral Health Systems, Inc. Board of Directors meeting.

Action needed/taken on the following:

1. Checks received and signed to the county:

\$5,434/24 One Beacon – Sheriff vehicle
\$ 300.00 Rokita rent
2. Commissioner Wathen signed vehicle titles for the following:

2000 Ford F-150 Pickup Truck -Planning
3. Documents needing action:

None

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for September 10 through September 24, 2012 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report s for August 13 to August 17, 2012; August 20 to August 24, 2012; and August 27 to August 31, 2012 from Curt Higginbotham, Highway Superintendent.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 10:55 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