

October 23, 2012

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, October 23, 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
Nancy Marsh		Hendricks County Treasurer
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Douglas Morris		Hendricks County Systems Manager
Bridgette Collins		Hendricks County Work Release Director
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 BIDS FOR JAIL IMPROVEMENTS

Commissioner Wathen announced the Notice to Bidders for Jail improvements had been duly advertised for 9 AM today in the Commissioners’ meeting room. Commissioner Gentry moved to close receipt of bids for jail improvements at 9:02 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. John Ayers opened and read the following bids:

McDougal & Pierce	\$ 2,080,000	JBM	\$1,914,000
Glenroy Construction	\$ 2,200,000	Terstep	\$2,175,000
Gibraltar	\$ 1,900,000	Electric Plus	\$2,000,000

It was the consensus of the Commissioners for John Ayers, Kevin Cavanaugh and a representative from DLZ to take the opened bids across the hall to be read aloud. Commissioner Gentry moved to allow the County Engineer time to review the six opened bids and to bring back a recommendation at the November 13, 2012 meeting. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF MINUTES

Commissioner Gentry moved to approve the minutes of the October 9, 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 #235321 thru 235631, #103116 thru 103884 and Direct Deposit #084932 thru 085366, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CR 550S – BARKING DOGS

Keith Pine, 7509 W CR 550 S, complained about a neighbor with 14 coon dogs that bark and howl day and night and requested a noise ordinance to control the noise from these dogs.

Rick and Kim Cartwright, 7495 W. CR. CR 550S, stated the neighbor’s dogs keep them awake all night and it is beginning to affect their work.

Jeff Fuehrer, CR 550 S, also complained about the distracting barking of these dogs all the time and inquired if there was anything that could be done.

Commissioner Wathen explained the enforcement issues and legal issues with a noise ordinance and stated that Hendricks County has decided not to adopt a noise ordinance that they could not enforce.

Attorney Greg Steuerwald read a letter from the Planning Department that was sent to the owner of the dogs stating if he does not meet the deadline to apply for a kennel license with the Board of Zoning Appeals the County will file suit as the County does not permit this many dogs without a kennel license. Mr. Steuerwald explained to these individuals they could file a civil suit and go through the courts to alleviate this problem. They will await the outcome of the County’s action against this dog owner.

IN THE MATTER OF ANIMAL CONTROL

Carolyn Slaughter advised Bio Repair Structures, the donor for a portion of the fence at the Animal Control, has acknowledged the fence for animal runs has now been installed, but that it is not being used as there is no one taking the dogs out for exercise. She inquired the status of the quarantine room at the shelter and stated the staff should help transport animals to the adoption events as they did not have enough volunteers and vehicles. It was the consensus of the Commissioners the volunteers were to transport the animals and to assist at the adoption events. Commissioner Gentry stated they would address all of Ms. Slaughter’s concerns at the next Animal Advisory Group meeting.

IN THE MATTER OF TREASURER’S OFFICE

Treasurer Nancy Marsh explained the benefits of a new Third Party Provider taxpayer program that will be a savings to both the taxpayers and the County. She presented and explained the Invoice Cloud submitter biller order form and the Chase Paymentech that would require a \$50 monthly charge of the County. Ms. Marsh stated she had sent the documents to Greg Steuerwald and he had suggested some changes and those changes have been accepted on the contract. Commissioner Gentry moved to approve the Paymentech for the Treasurer’s office and allow 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 WORK RELEASE GRANT

Bridgette Collins presented the Requirements for a Work Release Center Under a Grant / Contract with the Indiana Department of Correction (DOC) with Amendment #1 EDS #D25-13-023 that will pay a per diem rate of \$25 per day for up to 15 DOC offenders licensed in the Grantee’s Work Release Center under the terms and conditions set forth in Exhibit D. The cost of this action is estimated to be \$375 (\$25 X 15 offenders) per day or \$90,000 for the remainder of the Grant Agreement term. Ms. Collins explained this will apply to the donut counties and the requirements and fees required of the residents. Commissioner Gentry moved to approve and execute the grant agreement with DOC, as presented by the Work Release Director. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLEAN WATER

Mike Graham presented the Rule 13 – MS4 Annual Report that is required to be filed annually with the Indiana Department of Environmental Management (IDEM) for the Clean Water Program. Commissioner Gentry moved to approve the Rule 13 – MS4 Annual Report and allow 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 CR 100N AND CR 900E
AND CR 1000N AND SR 267

John Ayers presented a Request for Qualifications (RFQ) for services consisting of the Preliminary Engineering

for an intersection improvement at CR 100N and CR 900 E. John Ayers also presented a request for Qualifications (RFQ) for services consisting of the Preliminary Engineering for an improvement to CR 1000N from approximately SR 267 to the East County Line. He stated these two requests were for services to include Survey, Environmental, Geotechnical, Preliminary Design Utility Coordination, Final Design / Permits, Right-of-way Engineering and R.W. Construction funding anticipated being through FHWA. There was discussion of these two projects. Commissioner Gentry moved to approve and sign the RFQ for CR 100N at CR 900E and the RFQ for CR 1000N from approximately SR 267 to the East County Line, as presented. John Ayers requested this be due at 4 PM on November 16, 2012. Commissioner Palmer seconded the motion and that the RFQ are due at 4 PM on November 16, 2012. The motion was approved unanimously 3-0-0.

IN THE MATTER OF PITTSBORO - PROGRESS DRIVE

Mike Graham advised the Commissioners agreed to contribute \$300,000 of EDIT funds as an incentive for the SDI (Steel Dynamics, Inc.) expansion in Pittsboro. SDI's expansion is a \$6.9 million investment in real estate improvements and over a \$68.8 million investment in personal property. The expansion will produce an additional 50 jobs with an average salary of \$69,600. We have made the commitment to provide the local match necessary to SDI to secure a State training grant. Pittsboro does not have the funds to provide the local incentive. The \$300,000 will be spent on road improvements at the intersection of Progress Way (CR 775N) and Jeff Gordon Blvd. He stated John Ayres and he have been working with Jim Mardis, Pittsboro Town Manager, and Greg Hoefgen, SDI Engineer, on the scope and the management of improvements. Mr. Graham further advised that after looking at several options they are recommending an Interlocal Agreement with Pittsboro for making the road improvements. Under the term of the Interlocal, Pittsboro will be responsible for designing, bidding, inspecting and approving the road improvements and the County will be granting the EDIT funds to Pittsboro. One of our primary reasons for this approach is the intersection is in Pittsboro and they felt they should be in charge of the design and the construction because it will be their road to maintain. Greg Steuerwald and John Ayers presented a drafted Interlocal Agreement for consideration. Commissioner Gentry moved to approve and sign the Interlocal Agreement with Pittsboro, the Agreement for Construction for Improvements to Progress Drive, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF JAIL

DLZ presented an Application for Construction Design Release (State Building Permit) to present the plans to the Indiana Department of Homeland Security Division of Fire and Building Safety Plan Review Branch at a cost of \$350.61. It was noted this permit application must be filed in order for DLZ to start the process for the Jail renovation project. Commissioner Gentry moved to approve the Application for Construction Design Release and allow 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 BRIDGES NO. 29, NO. 47, NO. 162 & NO. 290

John Ayers presented the Agreement for Engineering Services from Stephen J. Christian & Associates for Bridge Deck Overlays for Bridge No. 29, located on CR 1000N over Etter Ditch; Bridge No. 47, located on Old US 52 over

Fishback Creek; Bridge No. 162, located on East Columbia Street over the West Fork of White Lick Creek; and Bridge No. 290, located on CR 800E over Conrail Railroad. The agreement stated the Engineer, Stephen J. Christian & Associates, shall receive, as payment for work performed under this agreement, the total lump sum fee of \$45,300. Commissioner Gentry moved to approve and execute the agreement with Stephen J. Christian & Associates for Bridge Deck Overlays for Bridge No. 29, Bridge No. 47, Bridge No. 162 and Bridge No. 290, 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 a brief update on the progress of the Ronald Reagan Parkway. He inquired about the type of ribbon cutting ceremony for opening the new portions of the parkway. There was discussion of this ceremony. It was the consensus of the Commissioners they would like to have a ribbon cutting ceremony for the new extensions of the Ronald Reagan Parkway and for John Ayers to check on the option of using a nearby church or other options for this ribbon cutting ceremony.

IN THE MATTER OF MESSAGING

Commissioner Wathen acknowledged messaging is on the agenda for further consideration. Kevin Cavanaugh stated they were continuing to obtain information and will bring some updated information and costs to the next meeting on November 13, 2012.

IN THE MATTER OF ZA-417/12: CHURCH AT MAIN

Commissioner Wathen announced the agenda listed zoning amendment ZA-417/12 for Church at Main, however, we have been notified that Attorney Amy Elliott is requesting to continue this zoning amendment to the November 13, 2012 meeting. It was the consensus of the Commissioners to continue the zoning amendment listed on the agenda to the November 13, 2012 meeting, as requested.

IN THE MATTER OF GOVERNMENT CENTER SECURITY - EXTERIOR CARDS

Kevin Cavanaugh announced that all the exterior door cards for the Government Center for the new security system have been distributed and that the switch from keys to cards will be soon. He encouraged everyone to try their cards to make sure they were all activated. Mr. Cavanaugh also stated he has ordered 35 exterior keys that will be discreetly assigned in order to protect the security of the Government Center.

IN THE MATTER OF GOVERNMENT CENTER ROOF

Kevin Cavanaugh gave a progress report on the roof replacement in the Government Center and stated they are almost done with this project.

IN THE MATTER OF COURT HOUSE

Kevin Cavanaugh reported they are in the process of installing the surveillance cameras in the Court House. Kevin Cavanaugh explained they are currently looking for a monitoring system for the Court House phone system. Kevin Cavanaugh advised they are looking at the cost for sump pumps to remove the excess water draining from the Court House basement.

IN THE MATTER OF JUVENILE PROBATION

Kevin Cavanaugh stated they are looking to replace the exterior doors at the Juvenile Probation this year and pay from the 2013 budget as these new doors will save money in energy efficiency this winter. He also stated these new doors will be installed for the access cards to control the building for security purposes.

IN THE MATTER OF AIRPORT

Mike Graham presented the Local Cooperation Agreement with the Indianapolis Airport Authority and stated a part of the agreement calls for the Commissioners to appoint a representative to attend the meetings. He explained the Commissioners may choose a Commissioner to attend or they could appoint either Don Reitz or himself and stated both Don and he would be willing to represent the Commissioners at these meeting. Mr. Graham stated that once they appoint a representative the representative may select a designee if the representative cannot attend a meeting. He further advised they currently anticipate that there will be quarterly meetings. Commissioner Wathen explained this was a cooperative agreement with several entities. Commissioner Gentry moved to approve the Local Cooperation Agreement with the Indianapolis Airport Authority, as presented, and authorize the President to sign on behalf of the Commissioners. 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.

No action was taken on the appointment.

IN THE MATTER OF HENDRICKS REGIONAL HEALTH BOARD

Mike Graham presented a draft letter to Kathleen Corbin, Commissioners appointee to the Hendricks Regional Health Board of Trustees, relative to the status of her out of County residency. Commissioner Palmer stated this is to clarify the residency of Ms. Corbin. Commissioner Palmer moved to approve the letter, as presented, and for the Commissioners to sign this letter to Kathleen Corbin. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EMERGENCY MANAGEMENT CERTIFICATION

Mike Graham explained there is an audit requirement for the EMA (Emergency Management) grant from the State of Indiana and this grant pays one-half of the salary for the EMA staff. He stated the staff had to affirm that they attended all the required training programs during 2012 and the Commissioners need to affirm that they attended. He also stated if it is determined that they did not attend the training the County could be required to reimburse the grant. Mr. Graham confirmed the Hendricks County Emergency Management staff has signed the document stating they attended the training programs and now all three Commissioners need to affirm the staff's attendance by signing this document. Commissioner Gentry moved to accept the document signed by the Emergency Management Staff for the Emergency Management Performance Grant (EMPG) and approve the Commissioners executing this document. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF NORLAND HOME 7666 THORNCREST DRIVE

Mike Graham reported Paul Wilson, Zoning Inspector, received a proposal of \$13,500 from Ray's Demolition to remove the Norland house at 7666 Thorncrest Drive and Mr. Wilson is waiting on another proposal from Denny Excavating. He stressed they will go with the low bid. He stated the Commissioners authorization is needed in order to demolish this house and the authorization will allow the staff to work with the Solid Waste District to get this project started through the Special Projects Fund. Commissioner Gentry moved to approve the demolition of the Norland house, located at 7666 Thorncrest Drive, by the low bidder, not to exceed \$13,500. Commissioner Palmer

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

IN THE MATTER OF TRANSFER LETTERS

Receipt was acknowledged of a transfer letter to transfer the following:

\$35,000 From: 1001-44000-000-135: Equipment for all offices
To: 1001-30200- 000-135: Legal Services

The letter stated this request is to cover legal services and the increased hourly rate for our County Attorney.

Commissioner Gentry moved to approve and execute the letter for the transfer of \$35,000 from equipment to legal services. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Receipt was acknowledged of a transfer letter to transfer the following:

\$1,000 From: 1001-34500-000-135: Legal Advertising
To: 1001-39300- 000-135: Membership State & National Organizations

The letter stated this request is to cover the membership dues for State and National Organization. Commissioner Gentry moved to approve and execute the letter for the transfer of \$1,000 from legal advertising to membership for State and National organizations. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGE NO. 48

There was an inquiry as to when Bridge No. 48, located on CR 200N over Little White Lick Creek, is on the schedule to be replaced. John Ayers responded American Structurepoint is designing the relocation of the Hendricks County Regional Sewer District’s force main required to accommodate County Bridge No. 48 replacement and the Highway Department has this bridge on their 2013 schedule for replacement.

IN THE MATTER OF COUNTY COPIERS

Commissioner Palmer asked the status of copier replacements. Doug Morris explained they are looking to send out RFQ for the County copier/fax/scanner project the end of the year.

IN THE MATTER OF TORT CLAIM – RAY, MALSON & JOYCE

Receipt was acknowledged of a Tort Claim from the Law Office of Seth B. Lewis on behalf of Jonathan D. Ray & Linda M. Ray; Briand K Malson & Julie E. Malson; and Paul D. Joyce & Vickie D. Joyce for real and personal property damage to their residence due to watershed runoff. It was noted the claim has been scanned to Greg Steuerwald and John Parmley.

IN THE MATTER OF TORT CLAIM - WRIGHT

Receipt was acknowledged of a Tort Claim from Keffer Gilley Barnhart, Attorneys Experienced Litigators, on behalf of Roger Wright relative to invasion of privacy at Hendricks Regional Health. It was noted the claim has been forwarded to John Parmley and Greg Steuerwald.

IN THE MATTER OF CORRESPONDENCE

Commissioner Wathen acknowledged receipt of the following:

Correspondence:

1. Notice from the Town of Avon they are beginning the process of incorporating agricultural and residential properties into the Town of Avon and announcing the public can schedule meetings with staff on November 3, November 7, November 10 and November 13, 2012.
2. Letter from Tim Shrout, President Samaritan Companies, explaining the rezoning of a 30-acre tract at the end of CR 1050E.
3. INDEM Notice of Approval of Twin Bridges Recycling & Disposal Facility 063-32365-00029 Part 70

Operating Permit T 063-30913-00029.

- 4. IDEM Notice of Construction Permit Approval No. 20478 for Charles E. Foggart, President of Wexford, Section 2 & 3 Exempt II Subdivisions, located in Danville, IN.
- 5. Cummins Mental Health Notice of Annual Meeting to be held October 25, 2012 at Walden Inn along with the minutes of the September 27, 2012 meeting.
- 6. 0-9-IDEM Notice of Approval of Twin Bridges Recycling and Disposal Facility, Part 70 Operating Permit Renewal for Office of Air Quality.
- 7. A Notice from Comer Law Office of a petition to rezone 10.45 acres in Avon that was approved as a PUD in 1997, known as Linden Square, and they now wish to amend to expand the multi-family designation. This petition will be heard at the November Hendricks County Plan Commission meeting.

Action needed/taken on the following:

- 1. Checks received and signed to the county: \$1,200 Ford Pick Up Truck
- 2. Commissioner Wathen signed vehicle titles for the following: None
- 3. Documents needing action: None

IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for October 7 to October 19, 2012 from James McBryant, Cypress Manor Director.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for October 8 through October 19, 2012 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for September 17 to September 21, 2012, September 24 to September 28, 2012, and October 1 to October 5, 2012 from Curt Higginbotham, Highway Superintendent.

IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the Weights and Measures Monthly Report for September 15 to October 15, 2012 from Charles Colbert, Weights and Measures Inspector.

IN THE MATTER OF BENEFITS COMMITTEE WORKSHOP

Commissioner Wathen announced the Benefits Committee Workshop is scheduled for noon with a luncheon in Room #4-5 and discussion of employee benefits and policies. He noted an agenda has been duly posted for this workshop.

Commissioner Gentry moved to adjourn the Commissioners' meeting at 10:25 AM. Commissioner Palmer 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