

The Hendricks County Board of Commissioners met in regular session at 9:06 AM on Tuesday, February 12, 2013 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
Matthew D. Whetstone)	
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
Douglas Morris		Hendricks County Systems Manager
Kevin Cavanaugh		Hendricks County Facilities Manager
Dr. David Hadley		Hendricks County Health Director
Tammy Brinkman		Hendricks County Director of Nursing
Megan Morgan		Hendricks County Jail Matron
Judith Wyeth		Secretary to the Commissioners

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

IN THE MATTER OF MINUTES

Commissioner Whetstone moved to approve the minutes of the January 22, 2013 meeting, as corrected.

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

IN THE MATTER OF CLAIMS

Commissioner Whetstone moved to approve Claims #238471 thru 238991, #103930 thru 104141 and Direct Deposit #087753 thru 088856 as submitted. Commissioner Gentry moved to second the notion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers announced he will be meeting this week with contractors to resolve issues of the Ronald Reagan Parkway from CR 100S to CR 200S.

John Ayers presented three change orders from Grade-X Grading and Excavating for the bridge on the Ronald Reagan Parkway over the CSX tracks:

#006	Grouting of top 10 feet of riprap at the end bents	\$10,462.24
#007	Changing 8 piles at Bent 1 from drilled and grouted to full depth driven at an angle 60: each	\$ 3,333.14
#008	Additional traffic control on US 36 to close off left turn lanes, plus temporary striping on CR 100S between paving operations	\$ 4,758.22

Commissioner Gentry moved to approve the Change Orders for the bridge on the Ronald Reagan Parkway for CO #006 in the amount of \$10,462.24, CO #007 in the amount of \$3,333.14 and CO #008 in the amount of \$4,758.22, for a total additional of \$18,553.60, as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF STREET SWEEPER

John Ayers requested approval to advertise a Notice to Bidders for a street sweeper to replace the current sweeper, which was purchased used several years ago, and stated this street sweeper is included in the Highway 2013 budget. He requested for the bid opening to be at 9 AM on Tuesday, March 26, 2013, in the Commissioners meeting room. Commissioner Gentry moved to approve advertising Notice to Bidders for a street sweeper for bid opening on March 26, 2013. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ROAD CLOSING

John Ayers presented a map with a request from a citizen to close CR 825S – CR 850S, the connecting road to CR 575E and CR 650E due to trash dumping and criminal activity in the area and stated he preferred not to close a County road. There was discussion of this area. It was the consensus of the Commissioners to take no action at this time on this request until more information was presented.

IN THE MATTER OF ROAD PROJECTS

John Ayers reported they are working with engineers on their proposed fees for design of the road improvements on CR 100N and the intersection improvements at CR 100N and CR 900E.

IN THE MATTER OF B&O TRAIL

John Ayers announced the B&O Trail has signed the purchase of property from the CSX Railroad for the proposed B&O Trail from CR 500E to CR 575E.

IN THE MATTER OF MPO

John Ayers advised he had attended the MPO (Metropolitan Planning Organization) meeting to discuss the rapid transit options.

Commissioner Whetstone stated he had a meeting with staff relative to a representative on the MPO Policy Committee and they agreed a Commissioner should represent Hendricks County on this committee. He stated that he will be attending the MPO Policy Committee meetings on behalf of the Commissioners and Hendricks County.

IN THE MATTER OF COURT HOUSE REMODEL

Kevin Cavanaugh introduced Andy Hines of arcDesign, to present proposed changes at the Court House to use the space recently vacated by the Prosecutor's Office and to relocate Superior 4 and Superior 5 Court rooms, office space and jury rooms. There was discussion of the changes. Commissioner Whetstone moved to approve the Court House remodel plans as presented by arcDesign and start the bid process for this project. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Kevin Cavanaugh explained that with the new Court Administrator and the possibility of two new Magistrates there is a need for additional design work at the Court House. He explained they are planning to cover design of an additional Magistrate Court in place of the Public Lounge in the current plans; reorganization of the Clerk's Office to allow for relocation of Microfilm and Self Help functions into the primary Clerk's area and convert those vacated areas to a permanent office for the Court Administrator and possibly small meeting rooms. Mr. Cavanaugh stated during construction the Court Administrator space will need to be moved during the different phases of remodeling. Attorney Greg Steuerwald has not reviewed this addition to the arcDesign contract. Commissioner Gentry moved to approve this additional planning with arcDesign by an addition to their existing contract, subject to approval by the County Attorney. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0. Mr. Cavanaugh explained the bid date was discussed as March 19, 2013, but it really needs to be at the Commissioner's Meeting on March 26, 2013.

IN THE MATTER OF ROTARY CLOCK ON COURT HOUSE SQUARE

Kevin Cavanaugh explained the proposed location of the Danville Rotary Clock on the southwest corner of the intersection of US Hwy 36 and Jefferson Street, next to the Prosecutor's office. He stated they will remove the brick

structure and flags from this area and place the clock. The Commissioners encouraged staff to make sure the correct time was kept on this clock.

IN THE MATTER OF COURT HOUSE CORNERSTONE

Kevin Cavanaugh reported he has contacted American Structurepoint to evaluate removing the cornerstone at the Court House before they start removal of the time capsule. He stated this engineering firm has previously done this type of projects and could advise how to best handle this cornerstone removal but, that no contract will be signed without the Commissioners approval. Mr. Cavanaugh also stated he is working with County Historian John Parsons on a program honoring the 100th anniversary of the Court House this summer.

IN THE MATTER OF ENERGY SAVINGS

Kevin Cavanaugh advised the County contracts with ProAlliance to purchase gas service for County buildings will expire in April and he will be bringing their renewal contracts prior to that date.

IN THE MATTER OF AVON GIRLS VOLLEYBALL TEAM

It was reported the Avon High School volleyball coach called to inform the Commissioners they will be unable to attend the Tuesday meeting due to a school conflict. He has asked to move the recognition to March 26, 2013. It was noted the Proclamation recognizing the Avon Girl’s Championship Volleyball team will be presented at that time.

IN THE MATTER OF HEALTH DEPARTMENT ATTORNEY

Tammy Brinkman presented the renewal contract for the Health Department attorney, Eric Oliver, with the law firm of Kendall, Woods, Lowry and Kessinger in Danville. She stated this renewal contract is for \$200 per hour, which is an increase of \$50 more per hour than the 2012 contract. Commissioner Whetstone moved to approve and sign the renewal contract for the Health Department attorney, Eric Oliver, as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF HEALTHY FAMILIES

Tammy Brinkman explained the Healthy Families program in Hendricks County. Leanna Thomas gave a handout with a brief history of this department that started in 1994 with an update on the activities, family connections, counseling, services and assistance the Hendricks County Healthy Families staff had provided to the citizens of Hendricks County. She also reported on the Hendricks County Healthy Families Board, their funding and goals.

Tammy Brinkman reported the Healthy Families computers are six years old and due to be updated. Previously Healthy Families have paid for their computer equipment from a grant, however, they no longer have the grant and no funds to repair/replace their seven computers. Doug Morris stated he had previously purchased some computers that they could use in Healthy Families from his budget at a cost of \$2,500 to \$3,000. It was the consensus of the Commissioners for Doug Morris to replace these seven computers for Healthy Family and be funded from the Computer budget.

IN THE MATTER OF WILLIAM DENNIS COOPER

Attorney Greg Black presented a petition to waive legal fees for William Dennis Cooper in the amount of \$1,215 and gave a brief history of the legal process for Mr. Cooper on his zoning violation. Mr. Cooper explained the zoning violation filed by the Planning, Building and Zoning Department relative to his property and stated they had filed a court order to reimburse the County for the cost of legal services in the amount of \$1,215. He reported he has now cleaned up and removed items from his property, but was financially unable to pay this legal bill. He requested the

Commissioners to waive these court ordered legal fees. Don Reitz, Planning Director, explained the history of this property over the past three years, the zoning legal process and compliance. There was discussion of this request. Commissioner Whetstone moved to table this request to the February 26, 2013 meeting. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF VACATION OF RIGHT-OF-WAY FOR PACE PROPERTY

Attorney Andy Kult presented a request for vacation of right-of-way for a small parcel adjoining the Pace Air Freight Property, located on CR 251S in Guilford Township, at the southwest quadrant of the East Main Street and Raceway Road intersection in Plainfield. He stated CR 251S is a dead-end road that was conveyed to the Hendricks County Commissioners in 1993 and that he has discussed this matter with County Engineer John Ayers and County Planning Director Don Reitz. There was discussion of this property being within the Town of Plainfield, but being titled to the Commissioners. It was the consensus of the Commissioners that they had no objection to this request if the owner and attorney can work with the Town of Plainfield on this vacation of right-of-way.

IN THE MATTER OF TOURISM COMMISSION

Emory Lencke, Executive Director Convention and Visitor’s Bureau, referenced a letter he had sent to the Commissioners requesting the appointment of Amber Armstrong to the Tourism Commission to fulfill the unexpired term of Michelle Sieradzki, as she has resigned her position with Lucas Oil and is moving out of state. He stated Ms. Armstrong is the Sales Manager of Cambry Suites in Plainfield and currently lives in Avon. Mr. Lencke advised she fulfills the legal requirements as she is a representative of the lodging industry and noted there are two years remaining on this unfilled term that will expire December 31, 2014. Commissioner Gentry moved to appoint Amber Armstrong to the Tourism Commission thru December 31, 2014, as requested by the Executive Director of the Convention and Visitor’s Bureau. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DOCUMENTARY FILM

Captain Megen Morgan introduced Christopher Thomas of Helmsman Studios. He stated they are planning to film a documentary movie around Danville telling the story of returning veterans and P.T.S.D. The Sheriff’s Department requested approval to have a portion of this movie filmed within the Jail. Mr. Thomas advised this will not be identified as the Hendricks County Jail and there will be with no inmates involved. There was discussion of this request and of concern for the jail security and veterans. It was the consensus of the Commissioners for Mr. Thomas to meet with Veterans Affairs Officer Lori Turpin to discuss this documentary film and have her bring her opinion to the Commissioners for further consideration.

IN THE MATTER OF COUNTY WAGE COMMITTEE

It was reported Bret Wathen and Jim Tygrett had been contacted and agreed to serve on the County Wage Committee for another year, however, the third member had declined to serve another year. John Ayers explained they need a Wage Hearing scheduled for the Court House remodel and for the reconstruction of three bridge decks. Commissioner Whetstone acknowledged receipt of an email containing several names for consideration of appointment to the Wage Committee. Commissioner Gentry moved to appoint Bret Wathen, Jim Tygrett and Adam

Love to serve on the County Wage Committee thru December 31, 2013. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COMMUNITY CORECTIONS ADVISORY BOARD

It was noted that the appointments to the Community Corrections Advisory Board should be reviewed as there have been several personnel changes. It was the consensus of the Commissioners for Auditor Cinda Kattau to prepare the requirements for the appointees to the Community Corrections Advisory Board and bring to the February 26, 2013 meeting.

IN THE MATTER OF RECORDER’S OFFICE

Doug Morris requested to continue the contract for the Recorder’s office to the February 26, 2013 meeting in order to obtain more information from this vendor and time for the County Attorney to make some changes to the contract.

IN THE MATTER OF GOVERNMENT CENTER EXTERIOR CARD KEYS

Mike Graham reported the Emergency Management Director had requested two exterior card keys for his two volunteers to use in the event of an emergency and the State Board of Accounts Auditor has requested two exterior card keys for him and his assistant to use while they are conducting the annual audit as their work day begins at 7 AM and the exterior doors are not open at that time. Kevin Cavanaugh stated this was no problem as they could issue the card keys within a couple of days and if they wanted to deactivate a card key they could do so electronically immediately. Commissioner Gentry moved to approve four entry card keys with two to be issued to the Emergency Management Director and two to the State Board of Accounts. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF GROUNDBREAKING - GORDMANS

Mike Graham reported it has been challenging to set a ground breaking ceremony date for the new Gordmans project, located at Exit 59. He stated the Governor’s office has now asked for April 25, 2013 and we have set April 25, 2013 as the date for this groundbreaking and hopefully people can adjust their calendars accordingly.

IN THE MATTER OF FAIR HOUSING ORDINANCE

Mike Graham reported Hendricks County has already adopted a Fair Housing Ordinance, 1994-9. As a condition of the Je-To Lake grant application, the Indiana Office of Community and Rural Affairs wants assurance that the County has adopted a Fair Housing Ordinance, however, it was learned from the Je-To Lake Grant consultant that the 1994 ordinance is no longer politically correct. Mr. Graham stated our ordinance needs to have the definition of family changed to include families regardless of sexual orientation, gender identity or marital status. No action was taken on this matter.

IN THE MATTER OF COURT HOUSE USE

Receipt was acknowledged of a call from Judy Pingel, on behalf of the Arts Council, requesting use of the Court House Rotunda on Thursday, September 5, 2013 for a reception of greet and meet from 5 – 8 PM prior to a special Arts Council fund raising event in the Royal Theater. It was the consensus of the Commissioners to obtain additional information on this request and to review the policy on Court House use.

IN THE MATTER OF ANIMAL CONTROL ADVISORY GROUP

Mike Graham reported at the February 7, 2013 Animal Control Advisory Group meeting the Group identified two topics they would like to address in 2013.

- (1) They would like to improve the web page and
- (2) They would like to improve the adoption process

One of the issues associated with the web page is whether or not the web page becomes more user friendly as a part of the County system or if it is better to be a web base system. Mr. Graham stated he will talk to Systems Administrator Doug Morris to get his input into establishing a new web site, the impact with managing the site, precedent with other departments and of controlling the associated costs.

IN THE MATTER OF GIRL SCOUT COOKIE SALES

Receipt was acknowledged of an email from Jessica Halton requesting to set-up “a booth” on each of the 4-corners of the Court House lawn on a weekend to sell Girl Scout cookies.

It was noted Shawanna Mynatt came in to request to set up a card table with canopy and four chairs on the Court House lawn on the corner near the fountain to sell Girl Scout cookies next Friday, February 15, 2013, from 5 – 8 PM. There will be two adults and two children handling the sales.

It was the consensus of the Commissioners that this is public property and can used by the general public to sell cookies.

IN THE MATTER OF CLEAN WATER / REGIONAL SEWER DIRECTOR

Mike Graham announced there are four interviews scheduled on Wednesday February 13, 2013 for the Clean Water / Regional Sewer Director. He stated the interviews will be in Executive Session beginning at 1:00 P M and be over by 5:00 PM. He also stated there will be packets with the schedule, resumes and other materials.

IN THE MATTER OF WAREHOUSE ASSESSMENTS

Mike Graham explained when working on the Gordmans warehouse project we encountered a challenge with the assessment. The actual assessments for the warehouses are proving lower than the assumed values made when financial advisories like Greg Guerrettaz prepare their TIF analyses. Traditionally financial advisors have used the cost of construction to serve assessed values used in their projections. We have learned that this method has produced higher values than the values determined by the County Assessor. The Department of Local Government Finance rules require County Assessors to evaluate the market value, the income and the cost of construction in setting the value for the large square foot warehouse/industrial building. After these three values are determined the DLGF requires the lowest value to be used. Currently the income values are lowest. The primary people who have challenged the previous assessments used by the County Assessor are tax representatives from Duke, Ken Rogers, and their attorney, Vicky Norman from Faegre Bakers & Daniels. Most of the appeals are from the assessment of the warehouses in Plainfield. Mr. Graham stated he has asked the Assessors’ staff to provide the supporting documentation from the assessment appeals they have received from Duke.

IN THE MATTER OF DICK WHICKER RESIGNATION

It was noted Dick Whicker has retired from the Plan Commission (PC) and Board of Zoning Appeals (BZA). He joined the Plan Commission in 1983 and the BZA in 1995. He’s been Plan Commission President since 1989. Mr. Whicker is an appointee of the Council on the PC and the Commissioners’ appointee of a PC member for BZA. The Commissioners need to appoint a new representative for the BZA and must be a member of the PC. It was the consensus of the Commissioners to make their appointment to the BZA after Council makes their appointment to the

Plan Commission on Thursday, February 14, 2013 and that this appointment to the BZA be added to the February 26, 2013 Commissioners’ agenda.

IN THE MATTER OF COMMUNICATIONS

Receipt was acknowledged of the Town of Lizton’s Notice of Termination of Participation in 2006 Interlocal Agreement to Establish Consolidated Communications Center in Hendricks County from Attorney Beth Henkel relative to the Hendricks County Communications Interlocal Agreement Establishing Consolidated Communication Center in Hendricks County, which was originally signed September 2006.

IN THE MATTER OF RENTAL PROPERTY - WRIGHT

Mike Graham reported we have been informed by Don Wright that he has rented the space the County rented for the Prosecutor’s Annex on Jefferson Street and as of February 2013 we will no longer be paying him rent.

IN THE MATTER OF OFFICE OF US CONGRESSMAN ROKITA

Mark Doud, introduced himself as the Director of Community Liaison, from Congressman Todd Rokita’s staff, located in the US Congressional office in the Government Center

IN THE MATTER OF SHERIFF’S DEPARTMENT

Receipt was acknowledged of the 2012 Hendricks County Sheriff’s Department Annual Jail Report and the 2012 Activity Report for the Hendricks County Sheriff’s Department from Sheriff David Galloway.

IN THE MATTER OF SUNCHASE AND CR 100S

Commissioner Palmer requested the County Engineer to check the rough intersection of CR 100S and Sunchase. John Ayers responded he will check on this intersection.

IN THE MATTER OF 2013 TAX RATES

Auditor Cinda Kattau presented the 2013 tax rates and stated they will be calculating tax bills in the next two weeks.

IN THE MATTER OF BENEFITS MEETING

Mike Graham announced there will be a Benefits meeting at 1100 AM on Thursday, February 14, 2013 in Room #3 of the Government Center.

IN THE MATTER OF JOINT MEETING

Commissioner Palmer inquired if there were any items that required a Joint Meeting and to let her know if a Joint Meeting should be scheduled.

IN THE MATTER OF TORT CLAIM - LEISCH

Receipt was acknowledged of a Tort Claim from Harrington Law on behalf of Jason R. Leisch for incident of August 16, 2012 while attempting to deliver mail to one of the temporary mailboxes from the Postal Service vehicle, one of the temporary mailboxes tipped over because it was unstable and the mailbox was located too high above the road surface in violation of regulations of the Postal Service. When the temporary mailbox in question tipped over the claimant was injured. This occurred during the reconstruction of the intersection of SR 267 and Tenth Street (CR 100N), which was a project of INDOT and this intersection is located within the Town of Avon. It was noted this claim has been sent to Greg Steuerwald and John Parmley.

IN THE MATTER OF TORT CLAIM - DIERDORF

Receipt was acknowledged of the January 29, 2013 letter from One Beacon denying liability on the Tort Claim

IN THE MATTER OF TORT CLAIM – THOMPSON / ESTATE OF VIRGINIA WOLF

A Tort Claim from Stewart and Stewart Attorneys was received on behalf of Tresie Thompson /Estate of Virginia Wolf for the alleged lack of medical care at Hendricks Regional Health. This claim has been sent to Greg Steuerwald and John Parmley for their review.

IN THE MATTER OF TORT CLAIM - RENZI / ESTATE OF JOHN BOFFO

Receipt was acknowledged of a Tort Claim from Stewart and Stewart Attorneys on behalf of Kimberley Renzi and the Estate of John Boffo for medical care at Hendricks Regional Health. This claim has been sent to Greg Steuerwald and John Parmley for their review.

IN THE MATTER OF TORT CLAIM - LEWIS

Receipt was acknowledged of a denial letter from One Beacon on Tort Claim of Larnesia Lewis for incident of November 1, 2012 as this incident occurred within the Town of Avon.

IN THE MATTER OF TORT CLAIM - HEALEY AND GIBSON

Receipt was acknowledged of a denial letter from One Beacon on Tort Claim on behalf of Sasha Healey and Adam Gibson for incident of December 3, 2012 as this incidents occurred within the Town of Avon.

IN THE MATTER OF CORRESPONDENCE

Commissioner Palmer acknowledged receipt of the following:

Correspondence:

- 1. IDEM Notice of Sufficiency NR10F94 for replacement of Hendricks County Bridge No. 127.
- 2. Request for Approval from IDEM for confined feeding operation Section 31,T 14N, R1W for Farm ID 836 Approval Number AW-4281 for Merlin Martin of Martin Farms.
- 3. Notice of Termination of Participation in 2006 Interlocal Agreement to Establish Consolidated Communication Center in Hendricks Notice of Termination by Town of Lizton from Beth Henkel, Attorney at Law.
- 4. The Cummins Behavioral Health Systems Board of Directors Meeting Announcement for Thursday, January 31, 2013 along with minutes of the November 29, 2012 meeting.
- 5. IDEM Notice of Decision of permit decision for the Twin B ridges Recycling and Disposal Facility to approve the revision of the base grade design of Cells 11A through 13B the modification of the piggyback liner areas and facility boundary includes an additional alternative detail for the composite liner sump and revision of the plans.

Action needed/taken on the following:

- | | |
|---|---|
| 1. Checks received and signed to the county: | \$ 300.00 Rokita Rent/Utilities
\$2,265.09 One Beacon AC Van Accident
\$ 363.33 One Beacon Vehicle Accident |
| 2. Commissioner Palmer signed vehicle titles for the following: | 2004 Ford Truck
2005 Ford Truck
2006 Ford Car
1997 Ford Highway Truck |
| 3. Documents needing action: | None |

IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for January 13 to January 26, 201 from James McBryant, Cypress Manor Director.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for January 21 through February 8, 2013 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for December 26, 2012 to January 4, 2013; January 7 to January 11, 2013; January 14 to January 18, 2013 and January 22 to January 25, 2013 from Curt Higginbotham, Highway Superintendent.

IN THE MATTER OF VETERANS AFFAIRS

Receipt was acknowledged of the City and State VSC’s Monthly Report for January 2013 from Lori Turpin, Veterans’ Service Officer.

IN THE MATTER OF PLANNING

Receipt was acknowledged of the January 29, 2013 Planning and Building Report of Collections from Don Reitz, Planning Director.

Commissioner Whetstone moved to adjourn the Commissioners’ meeting at 11:10 AM. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Phyllis A. Palmer, President

Bob Gentry, Vice President

Matthew D. Whetstone, Member

ATTEST: Judith Wyeth, Deputy Auditor