

March 12, 2013

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, March 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:

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| Bob Gentry |) | |
| Phyllis A. Palmer |) | Hendricks County Board of Commissioners |
| Matthew D. Whetstone |) | |
| Dan Zielinski | | Hendricks County Attorney |
| Cinda Kattau | | Hendricks County Auditor |
| John Ayers | | Hendricks County Engineer |
| Michael E. Graham | | Administrator to Commissioners |
| Douglas Morris | | Hendricks County Systems Manager |
| Kevin Cavanaugh | | Hendricks County Facilities Manager |
| 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 February 26, 2013 meeting, as corrected. Commissioner Gentry seconded the motion and the motion was approved 2-0-1 with Commissioners Whetstone and Gentry voting aye and Commissioner Palmer abstaining as she did not attend the meeting.

IN THE MATTER OF CLAIMS

Commissioner Whetstone moved to approve Claims #239415 thru 239662, #104198 thru 104254 and Direct Deposit #089290 thru 089732, as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RECORDER’S OFFICE

Doug Morris requested to continue the contract for a new computer vendor for the Recorder’s Office to the next meeting. It was the consensus of the Commissioners to continue the Recorder’s Office computer contract to the March 26, 2013 meeting.

IN THE MATTER OF COPIERS – MULTI FUNCTION DEVICES

Doug Morris explained they will request proposals to provide multi-function devices (MFD) that copy, scan, fax, print and email to be used by departments within Hendricks County. He stated we are interested in replacing the current copiers and printers with MFDs. The intent is to have all equipment obtained and maintained by one vendor. He explained a secondary goal is for the awarded vendor to partner with the County to ensure effective and efficient use of our print resources. This will include consolidating our current printer environment and implementing a complete print management solution for the entire County. There was discussion of this proposal for multi-function devices. Commissioner Whetstone moved to allow Doug Morris to take the RFP to advertisement, as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF LINK - SYCAMORE SERVICES

Receipt was acknowledged of the Notification of Deobligation of Unspent Federal Transit Administration Funds from INDOT for the 2010 Public Transit American Recovery and Reinvestment Act (ARRA) grant 86N01438 advising that the Indiana Department of Transportation will deobligate \$191,690 in Federal Transit Administration Funds. There was discussion this grant was for the construction of the garage for the Link Hendricks County vehicles. Commissioner Gentry moved to approve and accept the Deobligation notice from

INDOT in the amount of \$191,690, as presented, and allow the President to sign on behalf of the Commissioners. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DOCUMENTARY FILM

There was discussion of a previous request to use the Hendricks County Jail in a documentary film for veterans and that no further contact had been made from the film producer or the Sheriff’s Department. It was the consensus of the Commissioners to deny the request to permit a documentary film to be made in the Hendricks County Jail.

IN THE MATTER OF WILLIAM DENNIS COOPER - WAIVER

William Dennis Cooper requested a waiver of the legal fee reimbursement ordered by the County relative to his zoning violation that was continued from the previous meeting. Mr. Cooper stated this was a hardship case and he has now cleaned up his property as required by the County. Mike Graham reported he had talked with Greg Black, Attorney for Mr. Cooper, and Mr. Black was planning to attend today’s meeting unless he had another case. Mr. Black was not in attendance. There was a brief discussion of this zoning violation, of the request for waiver of fees and this case could set a precedent for future cases. Commissioner Gentry moved to deny the waiver of legal fees for Mr. Cooper and requested Planning Director Don Reitz to work with Mr. Cooper to pay this legal fee of \$1,250. Mr. Reitz stated they have worked with other individuals and they were willing to work out a payment plan for Mr. Cooper. Commissioner Palmer seconded the motion and the motion was approved 2-1-0 with Commissioners Gentry and Palmer voting aye and Commissioner Whetstone voting nay.

IN THE MATTER OF DRAINAGE ORDINANCES

An Ordinance Separating the Hendricks County Erosion Control Uniform Fee Schedule and An Ordinance Amending the Hendricks County Drainage Board Uniform Fee Schedule that have both been approved by the Drainage Board were presented with a request to advertise these two ordinances for a public hearing. Commissioner Gentry moved to advertise the amendment of the Hendricks County Erosion Control Uniform Fee Schedule and the ordinance amending the Hendricks County Drainage Board Uniform Fee Schedule for a public hearing on April 9, 2013 at 9 AM in the Commissioners’ Meeting Room. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SR 267

John Ayers explained some issues with the proposed SR 267 relinquishment by the State. There was discussion of the total miles the County will have as the majority of SR 267 has been annexed into the towns of Avon, Brownsburg and Plainfield. Mr. Ayers stated he is awaiting a written report on the proposed payment to the towns and to the County. He further explained the project and stated all bridges will be the responsibility of the County. James Murphy, a resident in Brownsburg that resides on SR 267, came forward to express some concerns with SR 267 for maintenance and the cost.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers acknowledged a letter from IDEM relative to erosion control issues on the new section of the Ronald Reagan Parkway and requested a letter be sent to IDEM in response. There was discussion of this letter and it was

noted there is a 30 day time frame to respond. Mr. Ayers stated he will meet with the contractor for this project as the environmental issues are the contractor’s responsibility. Commissioner Gentry moved to authorize County Engineer John Ayers to draft a letter to IDEM stating we were working with the contractor to address the erosion control issues and send to the Commissioners for their approval. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0. **Matter of RRP" item that says the commissioners authorized John Ayers to write a letter to: should be IDEM stating we were working with contractor to address the erosion control issues.**

John Ayers reported they are working on some road issues on the Ronald Reagan Parkway at CR 100 S

IN THE MATTER OF B&O TRAIL

John Ayers reported the B&O Trail will go to closing with CSX for ¾ mile of new extension to the trail. He stated Attorney Greg Steuerwald will contact CSX on the changes in the term of the contract.

IN THE MATTER OF EXIT 59 - GORDMANS

Commissioner Whetstone inquired if the bond had been established by Gordmans to cover any damage done to CR 1000S during the construction of their distribution center at Exit 59. John Ayers responded that they had received a bond for this road and the construction of the road side ditch in the amount of \$190,000.

IN THE MATTER OF COURT HOUSE

Kevin Cavanaugh presented the Court House schedule with arcDESIGN Extended Services for the Court House renovation:

- a. Additional services to the existing contract for Preliminary Design, Cost Estimating, Construction Documents and Construction Administration for extended services covering:
 - i. Design for Magistrate Court 2
 - ii. Conversion of Microfilm and Self Help areas to office space for Court Administrator and other meeting space
 - iii. Reorganization and reconfiguration of Clerk’s Offices
 - b. Part 1 - Initial Architectural and MEP Studies/Preliminary Plans \$ 5,700
 - c. Part 2 - Final Construction Documents/Administration \$10,250
 - d. Total \$15,950
- Additional Services can be cancelled after Part 1 if needed.

Commissioner Gentry moved to approve the extended services agreement with arcDESIGN for the Court House renovation in the amount of \$15,950, as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Kevin Cavanaugh presented the Court House Schedule for the remodel of the Courthouse with arcDESIGN beginning with the advertisement the weeks of February 25 and March 4, 2013 thru the completion dates:

- Phase 1: August 12, 2013 (105 days)
- Phase 2: October 11, 2013 (60 days)
- Phase 3: December 20, 2013 (60 days)

IN THE MATTER OF TIME CAPSULE

Kevin Cavanaugh reported American Structurepoint has looked at the time capsule in the Court House. They explained that removing this time capsule from the interior interrupts Judge Coleman’s office and recommend the time capsule remain in place. Mr. Cavanaugh stated they still plan a celebration of the 100-year anniversary of the Court House this year and will place a new time capsule adjacent to the cornerstone.

IN THE MATTER OF MUSEUM

Kevin Cavanaugh reported the windows in the Hendricks County Museum will be replaced.

IN THE MATTER OF COMMUNITY CORRECTIONS BOARD

There was discussion of appointments to the Community Corrections Board. It was the consensus of the Commissioners to appoint Deputy Chuck Jones to serve on the Community Corrections Board.

IN THE MATTER OF REDEVELOPMENT AUTHORITY

There was discussion of appointments to the Redevelopment Authority. Commissioner Whetstone moved to appoint Troy Vyzral to replace Karl Buetow on the Redevelopment Authority through December 31, 2013 and to reappoint Dan Devlin and Don Allen to the Redevelopment Authority through December 31, 2013. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF WAREHOUSE ASSESSMENTS

Mike Graham reported the County Assessor has a challenge in setting the assessment for big box warehouses. From 2008 thru 2012 the assessed value for industrial warehouse has gone down \$1.00 per square foot per year. These reductions in values negatively impact the revenues of the TIF districts. The County Assessor has previously gotten challenged by industrial property managers over the assessment amount. He stated according to the assessing staff the State requires three evaluations; (1) income approach (2) comparable sales and (3) actual cost. The State requires these evaluations to be done and the Assessor has to use the lowest rate. Since 2008 the income approach has been the lowest of the three because warehouse owners have discounted the rents to get their buildings occupied. Mr. Graham explained our Assessor does not have the resources to retain a consultant to do battle with the property managers and recommended the Commissioners extend an offer to assist the Assessor. Greg Guerrettaz, Financial Solutions Group, has suggested we may be able to pay for this assistance out of EDIT funds. Currently, the assessing staff is looking to increase the per square foot rate from a low of \$1.00 to a high of \$1.50. If there is significant push back from the property managers the Assessor may need some help. The Assessor will likely set a rate in the next two weeks. There was discussion of this assessment. It was the consensus of the Commissioners to support the County Assessor in this matter.

IN THE MATTER OF SPECIAL PROJECTS FUND - AVON

Mike Graham advised that Avon is trying to clean up the Muncy property that is a long standing “junk yard” looking problem that is located just east of Harlan Bakeries and just north of the CSX rail yard. The attempt to clean up the property has Avon involved in a lawsuit. The estimates to clean up the property range from \$7,500 to \$250,000. The \$250,000 is an estimate if contamination is found and remediation is necessary. In anticipation of winning the legal battles, Avon is exploring a way to fund the clean-up. Tom Klein, Avon Town Manager, has talked to Lenn Detwiler, Executive Director Hendricks County Solid Waste, about setting up an Avon Special Projects Fund. Mr. Graham stated Mr. Detwiler is not interested in setting up 11 Special Projects Funds for each of the 11 towns in the County and prefers that all clean-ups be done under one Special Projects Fund through the Commissioners. There was discussion of extending the Special Projects Fund to towns within the County and the possible cost of the Muncy property. It was the consensus of the Commissioners to evaluate the use of the Special

Projects Fund for the towns as eligible projects and to concur with Mr. Detwiler that accounts not be set-up for each town.

IN THE MATTER OF COURT HOUSE SECURITY

Mike Graham reported over the years the Court House has been used for special events including weddings, graduation receptions, Christmas tree lighting ceremonies, Civil War reenactments and other activities. With the installation of the new Court House security system it has been recommended that any special event would need to have security in place and the people participating in the event would need to go through the security screenings. He stated this will have a very serious impact on the use of the Court House for special events. Anyone using the Court House for a special event will incur additional expense and some events will practically be prohibited. The Court House has been opened for the Christmas tree lighting ceremony (Christmas on the Square) and the Veterans Day program. These two events practically need unrestricted access. There was discussion of the impact and the likely prohibition that this policy change could have on some special events at the Court House. Kevin Cavanaugh explained the current policy and the security at the Court House. There was discussion of the security policy for the Court House. It was the consensus of the Commissioners to continue the discussion on the Court House Security to the March 26, 2013 meeting.

IN THE MATTER OF ANIMAL CONTROL ANNUAL REPORT

Mike Graham acknowledged receipt of the Animal Control Annual Report and requested to release the report to the general public, There was discussion of the Animal Control Annual Report. It was the consensus of the Commissioners to release the Animal Control Annual Report, as presented.

IN THE MATTER OF ANIMAL CONTROL ADVISORY GROUP

Mike Graham reported the Animal Control Advisory Group recommends the Commissioners consider two policy changes:

1. Have the Animal Control/Shelter web site redeveloped and possibly separated from the County web site. This would mean an outside web developer and a possible outside hosting company.
2. Have all adoptable cats and dogs spayed or neutered when they first enter the shelter. This could encourage more adoptions. The County vets would be asked to reduce their spay/neuter charges for shelter animals and we would rotate the surgeries between the participating vets. Also, it would be necessary to increase the adoption charges to help cover the additional cost.

Mike Graham stated at the request of a Commissioner he researched the Indiana Code to determine what enabling legislation the County has regarding the operation of an animal control/shelter. He also talked to Dr. Sandra Norman with the Indiana State Board of Animal Health regarding the legislation that governs these activities. The bottom line is the functions of an animal control/shelter are very much a determination of local government and there is not much guidance through regulations from the State of Indiana. It is a local government function. The limited legislation for an animal control/shelter is found under the General Powers Concerning Public Safety.

Carolyn Slaughter, Plainfield, requested clarification for use of the van for adoption events. Mike Graham clarified the usage and stated all van usage needs a signature from the Humane Society.

IN THE MATTER OF TAX ABATEMENT POLICY

Mike Graham reported traditionally, the County Council receives an estimated number of employees and their

salaries as a part of the application process for tax abatements. This information is not available if a developer seeks tax abatement for a building that is built on speculation (spec buildings). He stated he does not believe the Council has established a precedent for dealing with such a request. Kite Development has been approached by another developer about buying their project. The potential developer would like assurance from the County that 10 year tax abatement for spec buildings would be approved. Mr. Graham stated both Plainfield and Brownsburg have allowed 10 year tax abatements for spec buildings. There was discussion of 10 year tax abatements. It was the consensus of the Commissioners to look at the Plainfield and Brownsburg policies and support the Council in working with each property on a case by case basis.

IN THE MATTER OF HIGHLAND SPRINGS

Receipt was acknowledged of a Summons to the Hendricks County Assessor from the Indiana Tax Court on behalf of Highland Springs Homeowners Assn. This has been forwarded to Greg Steuerwald and John Parmley.

IN THE MATTER OF AVON TRAILS

Receipt was acknowledged of a Summons to the Hendricks County Assessor from the Indiana Tax Court on behalf of Avon Trails Homeowners Assn. This has been forwarded to Greg Steuerwald and John Parmley.

IN THE MATTER OF HEARLAND CROSSING

Receipt was acknowledged of a Summons to the Hendricks County Assessor from the Indiana Tax Court on behalf of Heartland Crossing. This has been forwarded to Greg Steuerwald and John Parmley.

IN THE MATTER OF MEADOWCHASE

Receipt was acknowledged of a Summons to the Hendricks County Assessor from the Indiana Tax Court on behalf of Meadowchase Community Homeowners. This has been forwarded to Greg Steuerwald and John Parmley.

IN THE MATTER OF OAKS OF AVON

Receipt was acknowledged of a Summons to the Hendricks County Assessor from the Indiana Tax Court on behalf of Oaks of Avon. This has been forwarded to Greg Steuerwald and John Parmley.

IN THE MATTER OF PULTE HOMES

Receipt was acknowledged of a Summons to the Hendricks County Assessor from the Indiana Tax Court on behalf of Pulte Homes of Indiana, LLC. This has been forwarded to Greg Steuerwald and John Parmley.

IN THE MATTER OF CLEAN WATER AND REGIONAL SEWER DISTRICT

A copy of the letter to Council establishing the salary for the Director of Clean Water and Regional Sewer District was presented to be ratified. It was the consensus of the Commissioners to ratify the letter to Council establishing the salary for the new Director of Clean Water and Regional Sewer District that will be presented to the Council at their March 14, 2013 meeting.

IN THE MATTER OF LAYTON W. CUPP

Receipt was acknowledged of a notice from Layton W. Cupp advising he has petitioned the Danville BZA for a variance to allow re-establishing residential use in a commercial district, located at 160 W. Broadway Street in Danville.

IN THE MATTER OF EXECUTIVE SESSIONS

Commissioner Palmer presented documents stating during the Executive Session at 10:00 AM on Wednesday,

February 13, 2013 no final action was taken

M E M O

TO: File
DATE: February 13, 2013

We hereby certify that the only matter discussed during the Hendricks Board of Commissioners' 1:00 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

Phyllis A. Palmer, President
Bob Gentry, Vice President
Matthew D. Whetstone, Member

It was the consensus of the Commissioners to sign the Memo relative to the February 13, 2013 Executive Session.

Commissioner Palmer presented documents stating during the Commissioners' Executive Session at 10:00 AM on Wednesday, February 27, 2013 no final action was taken.

M E M O

TO: File
DATE: February 27, 2013

We hereby certify that the only matter discussed during the Hendricks Board of Commissioners' 10:00 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

Phyllis A. Palmer, President
Bob Gentry, Vice President
Matthew D. Whetstone, Member

It was the consensus of the Commissioners to sign the Memo relative to the Commissioners' February 27, 2013 Executive Session stating no final action was taken.

IN THE MATTER OF CORRESPONDENCE

Commissioner Palmer acknowledged receipt of the following:

Correspondence:

1. Notice of Public Hearing for Annexation into the Town of Brownsburg
2. IDEM Notice of Violation and Proposed Agreed Order for Case No. 2012-21299-Q, advising that IDEM has conducted an investigation of the Hendricks County Board of Commissioners records regarding erosion control at the Ronald Reagan Parkway project. As a result of that investigation IDEM has made a preliminary determination that violations exist Pursuant to C 13-30-3-3, and enclosed a Notice of Violation and a proposed Agreed Order, setting forth IDEM's specific finding of violation and the actions necessary to resolve them.
3. Notice that the Indiana Department of Environmental Management (IDEM) Office of Water Quality, Facility Construction Section has received sanitary sewer permit application on March 1, 2013 from Mr. Todd May, JC Hart Company, Inc., as required by IC 13-15-3-1. If approved by IDEM, the permit would allow the applicant to construct Linden Square Apartments, Phase II in Hendricks County, Indiana.
4. Township Assistance Guidelines for Guilford Civil Township, Hendricks County, Indiana dated March 1, 2013.
5. Notice from Amy Comer Elliott that a rezoning petition for Paragus, LLC was filed with the Hendricks County Plan Commission for 17 acres located on the east side of CR 900E between US 36 and CR

100N. The petitioner proposes four (4) and six (6) unit buildings for a total of approximately 110 units and each unit will consist of approximately 88 two (2) bedroom units with approximately 1,098 square feet each and 22 (1) bedroom units of approximately 894 square feet. All units will have an attached oversized one (1) car garage. This rezoning request will go before the Plan Commission on April 9, 2013.

Action needed/taken on the following:

1. Checks received and signed to the county:

\$2,743.31 One Beacon - Sheriff Accident
\$2,683.01 Geico- Repair for Sheriff Accident
\$5,691.54 One Beacon - Repair Sheriff Vehicle
2. Commissioner Palmer signed vehicle titles for the following:

2009 Dodge Charger – Sheriff Vehicle
3. Documents needing action:

None

IN THE MATTER OF NACo PRESCRIPTION DRUG PLAN

Receipt was acknowledged of Treasurer Nancy Marsh’s reported receipt of the quarterly check in the amount of \$4,531.00 for our partnership with the NACo prescription drug plan.

IN THE MATTER OF SHERIFF’S OFFICE

It was noted Sheriff Dave Galloway has provided a report of receipt and disbursements of the Commissary Fund for the period of July 1 thru December 31, 2012.

Receipt was acknowledged of notice from the Hendricks County Sheriff’s Department advising Terry Kennard, Fleet Manager, will be retiring from his position at the close of business on Friday, May 3, 2013. Mr. Kennard expressed his appreciation for the opportunity for professional and personal development that the County has provided him over the past 10 ½ years and that he has enjoyed working with the Sheriff’s office and County Commissioners.

IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for February 25 to March 10, 2013 from James McBryant, Cypress Manor Director.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for February 25 through March 8, 2013 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway reports for February 19 to February 22, 2013 and February 25 to March 8, 2013 from Curt Higginbotham, Highway Superintendent.

IN THE MATTER OF WORK RELEASE

Receipt was acknowledged of the Work Release Statistics for October, November and December 2012 and for January, 2013 from Bridgette Collins, Work Release Director.

IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the Weights and Measures Monthly Report for January 15 to February 15, 2013 from Charles Colbert, Weights and Measures Inspector.

Commissioner Gentry moved to adjourn the Commissioners’ meeting at 11:12 AM. Commissioner Whetstone 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
