

March 26, 2013

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, March 26, 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)
Matthew D. Whetstone)
Dan Zielinski
Cinda Kattau
Theresa Lynch
John Ayers
Michael E. Graham
Don Reitz
James McBryant
Douglas Morris
Cathy Grindstaff
Kevin Cavanaugh

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Hendricks County Attorney
Hendricks County Auditor
Hendricks County Recorder
Hendricks County Engineer
Administrator to Commissioners
Hendricks County Planning Director
Administrator Cypress Manor
Hendricks County Systems Manager
Hendricks County Environmental Health Director
Hendricks County Facilities Manager

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

IN THE MATTER OF MINUTES

The March 12, 2013 minutes were tabled until a later date.

IN THE MATTER OF CLAIMS

Commissioner Gentry moved to approve Claims #239874 thru 240182, #104255 thru 104311 and Direct Deposit #089733 thru 090169, as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF AVON HIGH SCHOOL GIRLS’ VOLLEYBALL TEAM

Commissioner Palmer noted Avon High School is on Spring Break and no one was present today to accept the Proclamation recognizing the Avon High School Girls’ Volleyball team winning the State Championship.

P R O C L A M A T I O N
RECOGNIZING
AVON HIGH SCHOOL GIRLS VOLLEYBALL TEAM

BE IT REMEMBERED THAT: The Hendricks County Board of Commissioners and the Citizens of Hendricks County recognize: The AVON HIGH SCHOOL GIRLS VOLLEYBALL TEAM for winning the 4-A IHSA (Indiana High School Athletic Association) Girls Volleyball Championship this year on November 3, 2012 at Worthen Arena at Ball State Arena. They defeated Carmel in a 5 set state final match to win the first girl’s state championship in Avon history. Three members of the 18 player squad broke records during the final state match. Kayla Springer received the IHSA Mental Attitude Award and is the first winner of this award for any sport in Avon history.

BE IT REMEMBERED THAT: The 18 players on the roster as well as 2 managers and 7 coaches on the Avon High School Girls Volleyball team have represented the citizens of Hendricks County and the State of Indiana in achieving the highest honors for a high school girls volleyball team. These team members serve as role models to all youth. The dedication of the team to practice, teamwork, high goals, hard work and mental attitude serve as an example to all Hendricks County students. The students and supporting staff of Avon High School have shown great leadership and dedication. Their fellow students have supported them in an enthusiastic manner that does Avon High School and All of Hendricks County proud.

NOW, THEREFORE, IN CONSIDERATION: The above contribution to Hendricks County by the Avon High School Girls Volleyball Championship Team, the Hendricks County Board of Commissioners in their unanimous and inherent jurisdiction, by this Proclamation do hereby declare, recognize and honor our outstanding youth. This order entered into this 26th day of March, 2013, at 9:00 AM.

(Signed)

(County Seal)

Phyllis A. Palmer, President
Bob Gentry, Vice President
Matt Whetstone, Member

Commissioner Palmer stated this proclamation will be presented at the Avon School Board meeting.

IN THE MATTER OF STREET SWEEPER - BIDS

Commissioner Palmer announced the Notice to Bidders for the street sweeper had been duly advertised for 9 AM and it was now past 9:10 AM. She closed the bids for the street sweeter. John Ayers reported only one bid was received. He opened the bid from Jack Delaney Supplier in the amount of \$259,935, less the trade in of the old sweeper of \$19,000, for a total of \$240,938. He explained they had the street sweeper in the Highway Department 2013 budget, however, they will need to go to Council to request an additional \$16,000 to complete this purchase of a new sweeper to replace their ten-year old sweeper. Mr. Ayers requested to review the bid and bring a recommendation to the April 9, 2013 meeting. It was the consensus of the Commissioners for Mr. Ayers to bring a recommendation on the street sweeper to the next meeting.

IN THE MATTER OF ORDINANCE NO. 2013-03 ZA 418/13: SAMUEL T. HIMSEL

Don Reitz presented ZA-418/13: Samuel T Himsel, a request for a zoning amendment change from AGR/Agricultural Residential District to AGI/Agriculture Intense District for 58.42 acres in Marion Township, located on the west side of CR 625W, approximately 0.25 mile south of CR 350N. He reported the Plan Commission held a public hearing on March 12, 2013 and sends this zoning request with a favorable recommendation of 6-0-1. Mr. Reitz stated this request is to permit two agricultural buildings to house up to 4,000 swine with office space and explained how this development meets the requirements in the Hendricks County Zoning Ordinance. He also stated this zoning change will need approval from IDEM and the development plan will need to come back to the Plan Commission next month. He relayed concerns expressed by neighbors during the public hearing. Commissioner Whetstone moved to approve ZA 418-13: Samuel T. Himsel, zoning change as Ordinance No.2013-03, as recommended by the Plan Commission. Commissioner Gentry seconded the motion. Commissioner Palmer clarified the public hearing for this zoning change was during the Plan Commission meeting, however, she stated a few citizens in attendance today that were in opposition would be permitted to speak.

Richard A. Himsel, 3581 W. CR 350N, stated this development would devalue neighboring properties.

Debbie Condor, 2661 N. CR 425 W, stated she lived ¼ mile away from this property and questioned the ordinance guidelines.

Wanda Stanfield, 2396 N CR 425W discussed restrictions of IDEM relative to pollution and odor and with the construction of this development Hendricks County would now be classified as a “confinement” county. She questioned if heavy traffic for this development would damage the roads.

Commissioner Palmer acknowledged receipt of a letter from Richard Himsel.

John Ayers responded CR 350N is rated above average, the Plan Commission addressed road concerns and they will continue to monitor this road, however, the traffic on CR 350N is very light and this development will not substantially increase the volume.

Don Reitz referenced the upcoming April 9, 2013 meeting for this Development Plan Review (DPR) and stated roads and the culvert on CR 350N would be addressed at that meeting.

Commissioner Palmer called for the question on ZA 418-13 Samuel T. Himsel, approval as Ordinance No.

2013-03 and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COURT HOUSE REMODEL

Commissioner Palmer announced the bid opening for the Court House remodel was on the agenda in error as this has been had advertised for bid opening on April 9, 2013 at 9 AM in the Commissioners' Meeting Room.

IN THE MATTER OF RECORDER'S OFFICE - COMPUTER VENDOR

Doug Morris stated the Recorder's office was seeking a new computer vendor and presented a proposal from CSI – Computer Systems, Inc., a System Support Agreement, Premium Software Maintenance Agreement and a Reduction Services & Support Agreement for the computer service for the Recorder's Office. Recorder Theresa Lynch stated CSI is a better computer vendor for the Recorder's office than their current vendor. Mr. Morris explained this computer vendor, CSI, was selected by County Recorder Theresa Lynch and all documents had been reviewed by the County Attorney and some necessary changes have been made. Mr. Morris also stated that he has no problems with this new computer vendor for the Recorder's office. Commissioner Gentry moved to approve and sign the agreements with CSI – Computer Systems, Inc for the Recorder's office. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0. Mike Graham presented the four documents for execution. It was the consensus of the Commissioners to sign these four documents following the meeting

IN THE MATTER OF ORDINANCE NO. 2013-04
TATTOO, PIERCING AND BODY MODIFICATION REVISED ORDINANCE

Cathy Grindstaff presented a draft Revised Ordinance for Tattoo, Piercing and Body Modification and stated this has been duly advertised for 9 AM. She explained this revised ordinance has been on the Health Department website, explained the changes in this revised ordinance and summarized the comments received from some tattoo artists, but there was nothing in opposition. Commissioner Palmer opened the Public Hearing for this Revised Ordinance for Tattoo, Piercing and Body Modification. There was no public comment. Commissioner Whetstone moved to close the Public Hearing for the Revised Ordinance for Tattoo, Piercing and Body Modification. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Ms. Grindstaff also stated this revised ordinance was presented and approved by the Health Board. Commissioner Gentry moved to approve and adopt the Revised Ordinance for Tattoo, Piercing and Body Modification, as presented, as Ordinance 2013-04. Commissioner Palmer seconded the motion and the motion was approved 2-1-0 with Commissioners Palmer and Gentry voting aye and Commissioner Whetstone voting nay.

IN THE MATTER OF ORDINANCE NO. 2013-05
ONSITE SEWAGE SYSTEM ORDINANCE

Cathy Grindstaff presented a draft Onsite Sewage System Ordinance and stated this has been duly advertised for 9 AM. She explained this revised ordinance has been on the Health Department website, explained the changes in this revised ordinance and the guidelines. Commissioner Palmer opened the Public Hearing for this Revised Ordinance for Onsite Sewage System. There was no public comment. Commissioner Whetstone moved to close the Public Hearing for the Ordinance for Onsite Sewage System. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Ms. Grindstaff also stated this Ordinance for Onsite Sewage System

was presented and approved by the Health Board. Commissioner Gentry moved to approve and adopt the Ordinance for Onsite Sewage System, as presented, as Ordinance 2013-05. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2013-06
HENDRICKS COUNTY BOARD OF HEALTH ORDINANCE FOR COLLECTION OF FEES

Cathy Grindstaff presented a draft Hendricks County Board of Health Ordinance for Collection of Fees and stated this has been duly advertised for 9 AM. She explained this revised Hendricks County Health Ordinance for Collection of Fees has been on the Health Department website and explained the three changes in this revised fee ordinance. Commissioner Palmer opened the Public Hearing for this Revised Hendricks County Board of Health Ordinance for Collection of Fees. There was no public comment. Commissioner Whetstone moved to close the Public Hearing for the Revised Hendricks County Board of Health Ordinance for Collection of Fees. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Ms. Grindstaff also stated this revised Health Ordinance for Collection of Fees was presented and approved by the Health Board. Commissioner Gentry moved to approve and adopt the Hendricks County Board of Health Ordinance for Collection of Fees, as presented, as Ordinance 2013-06. Commissioner Palmer seconded the motion and the motion was approved 2-1-0 with Commissioners Palmer and Gentry voting aye and Commissioner Whetstone voting nay.

IN THE MATTER OF ORDINANCE NO. 2013-07
REPEAL ORDINANCE NO. 2010-13

Auditor Cinda Kattau presented a request to Repeal Ordinance No. 2010-15 Establishing the Hendricks County Surveyor's Office Operating Fund and stated has been duly advertised for a public hearing at 9 AM. She explained Ordinance No. 2010-13 was established as an operating fund when the Surveyor supervised the Clean Water Department, however, the Surveyor is no longer supervising Clean Water, therefore the Hendricks County Surveyor's Fund is no longer needed and repealing this ordinance will eliminate this fund. Commissioner Palmer opened the Public Hearing for the Ordinance to Repeal Ordinance No. 2010-13. There was no public comment. Commissioner Whetstone moved to close the public hearing for the Ordinance to Repeal Ordinance No. 2010-13. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Ms. Kattau requested for this ordinance to be effective January 1, 2013. There was discussion of the funds. Commissioner Whetstone moved to approve and adopt the Ordinance to Repeal Ordinance No. 2013, as presented, as Ordinance No. 2013-07 to be effective January 1, 2013. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF APPOINTMENTS - COMMUNITY CORRECTIONS

Commissioner Palmer stated an appointment was need for the Community Corrections Advisory Board and recommended Chuck Jones. Mike Graham stated he had talked with Mr. Jones and he is willing to serve on this advisory board. There was discussion of this appointment. Commissioner Gentry stated he had known Chuck Jones for several years and moved to appoint him to serve on the Community Corrections Advisory Board. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SR 267

John Ayers gave an update on the State's relinquishment of a portion of SR 267 in Hendricks County. He explained the County's portion and the town's portions and concerns on funding. There was discussion of the six bridges that the County would be responsible for. It was the consensus of the Commissioners to proceed with discussion with the towns of the relinquishment of SR 267.

IN THE MATTER OF HIGHWAY SALT BID

John Ayers requested to again order Highway salt using the State's salt bid for the 2013-2014 season as this has worked well in previous years. It was the consensus of the Commissioners to approve the County Engineer to again use the State bid for Highway salt for 2013-2014.

IN THE MATTER OF BRIDGE NO. 272

John Ayers presented the Title Page for Bridge No. 272, located on CR 550W over the CSX Railroad, for execution. It was the consensus of the Commissioners to sign the Title Page for Bridge No. 272.

IN THE MATTER OF HIGHWAY

John Ayers presented the annual 2013 Highway report from Highway Superintendent Curt Higginbotham and stated the State Board of Accounts requires this annual report to be approved and signed by the Commissioners. Commissioner Gentry moved to approve and sign the 2012 Highway report, as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SR-39 LOCAL DETOUR

John Ayers presented the March 13, 2013 INDOT Letter of Understanding for the unofficial local detour of SR 39, Contract 30901. This is due to the closing of SR 39 for pavement replacement through the Town of Clayton and currently planned, the official detour will follow US 40, SR 267 and US 36. He stated this construction will begin April 1, 2013. The letter stated the mutually acceptable unofficial local detour is on CR 400S -200S Market Street. Mr. Ayers explained this official detour and unofficial detour. Commissioner Gentry moved to approve and execute the INDOT Unofficial Local Detour during the closing of SR 39 through the Town of Clayton, as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously. 3-0-0.

IN THE MATTER OF COUNTRY MEADOW - NO PARKING

John Ayers stated they were having some sight problems with cars parking at the entrance to the Country Meadow Subdivision at CR 900E and CR 400N and requested to advertise for a No Parking Ordinance for this location. Commissioner Gentry moved to approve the County Engineer to advertise for a public hearing for a No Parking Ordinance for the Country Meadow development. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers announced he will be meeting with Dennis Faulkenberg, Appian, to discuss funding for the next section of the Ronald Reagan Parkway. There was discussion of a workshop for funding. It was the consensus of the Commissioners to work with Mr. Faulkenberg on a date.

John Ayers explained they are working to resolve IDEM environmental concerns and issues on the Ronald Reagan Parkway and will make a final response to IDEM.

IN THE MATTER OF TELEPHONES

Kevin Cavanaugh presented a renewal thirty-six month service contract between AT&T and the Hendricks County Sheriff Department for the ISDN Prime Service switch utilization at a monthly rate for each SN 002651 of \$250 and explained the conditions are the same as the current contract with AT&T. Commissioner Gentry moved to approve the renewal contract with AT&T for thirty-six months and authorize the President to sign on behalf of the Board. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COURT HOUSE - ENERGY CONSERVATION

Kevin Cavanaugh gave an update on the energy conservation program at the Court House including the windows, and lighting, and stated the original savings estimate was \$13,000 annually and they now see the actual savings has been an annual savings of \$15,000 in utilities. There was discussion of this savings to the County.

Kevin Cavanaugh announced the bids would be opened at 9 AM on April 9, 2013 for the Court House renovation.

IN THE MATTER OF SPECIAL PROJECTS FUND

Mike Graham responded to the Commissioners request at the March 12, 2013 meeting regarding an inquiry from a town for use of the Solid Waste Special Projects Fund to clean up a property within a town. He presented a spread sheet that had been prepared by Lenn Detwiler, Executive Director of the Hendricks County Solid Waste. He explained this is by type and the amount spent on the Special Projects Fund from 2005 thru 2012. The largest amount spent from the Special Projects Fund was \$23,100 for a cleanup of property at 6775 CR 550N and the smallest amount was \$15 for recycling oil from the County Highway Department. Mr. Graham suggested if the Commissioners and the Solid Waste District would decide to make the Special Projects Funds available to the 11 towns within the County, they would need to establish some guidelines. There was discussion of intent, the process for distributing these funds, towns seeking Special Projects funding will submit a letter of request to the Hendricks County Commissioners and the Hendricks County Solid Waste District describing the project and providing a cost estimate, projects will be for the cleanup of trash, junk and debris including the demolition of structures that have been determined to be unsafe, any Town request to use the funds to cleanup private property will have to include a copy of either a written authorization from the property owner or a court order to cleanup up the property and/or to demolish an unsafe structure, the Commissioners and the Hendricks County Solid Waste District will give consideration and make a final determination to either approve or deny the funds requested. No action was taken.

IN THE MATTER OF RFP - COPIERS

Mike Graham reported as a part of the RFP (Request for Proposals) process for the replacement of the County copiers/printers they will put together a review team. He stated it is important to have representatives from the areas with the greatest use and suggested Judge Mark Smith from the Court House, Megen Morgan from the Sheriff's Department and Doug Morris from the Government Center. Mr. Graham stated this team would review the proposals for the copiers/printers and make a recommendation to the Commissioners. Commissioner Gentry moved to approve the review committee and members, as presented. Commissioner Whetstone seconded the

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

IN THE MATTER OF CAPITAL IMPROVEMENT PLAN

Mike Graham explained we previously have done the Capital Improvement Plans as a part of the Sustainability Plan prepared by Greg Guerrettaz of Financial Solutions Group (FSG). The Sustainability Plan is used in helping secure a favorable bond rating. Some communities use the Capital Improvement Plan as a budgeting tool, but Hendricks County has not. He stated Planning Director Don Reitz and his staff have begun to put together the Capital Improvements Plan by obtaining the list of Capital Improvements from the various departments.

IN THE MATTER CLERK’S OFFICE

Mike Graham reported County Clerk D.J. Hoskins is seeking financial support to attend some job related training conferences, meetings and seminars. Some of the meetings are State called and some conferences are for professional training. He stated she would need funding and mileage to attend these meetings, conferences and seminars and does not have sufficient funds in the Clerk’s current budget. Auditor Cinda Kattau explained State called meetings can be paid from the “Unappropriated” funds, and other meetings and conferences are paid from the Commissioners’ attendance at meetings line in their budget. Ms. Kattau stated she was willing to talk with the County Clerk on funding for these training meetings. There was discussion of the required and informative training seminars. It was the consensus of the Commissioners to get more information to clarify this request.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham advised the Humane Society has proposed a revision on the agreement between the County and the Humane Society for operating the County van. The Humane Society wants a check list to insure that there is no missing equipment in the van when it is returned to the Shelter. He presented a proposed revised agreement and explained this revision to No. 10. There was discussion of this revision to the use and condition of the County van. It was the consensus of the Commissioners to approve the Humane Society revised agreement for use of the County van revisions to No. 10, as presented.

Mike Graham announced the Humane Society has recommended the appointment of Cameron Johnson to replace Daryl Fathauer as their representative on the Animal Control Advisory Group. He stated Mr. Fathauer has resigned from the Animal Control Advisory Group and has also dropped out of the Humane Society. It was the consensus of the Commissioners to appoint Cameron Johnson as the Humane Society representative on the Animal Control Advisory Group.

IN THE MATTER OF SERVICE ADVISORY BOARD

Mike Graham gave an update on the Service Advisory Board (SAB) that provides regional input into the Indianapolis Public Water Service that is currently owned and operated by the Citizens Energy Group. The SAB was established when the then Indianapolis Water Company extended service to areas outside of Marion County. Citizens Energy Group is seeking a rate increase. He stated at the March 19, 2013 SAB meeting he voted in favor of intervening in the rate case. The term intervene means the SAB attorney will receive a copy of all documents filed to the Indiana Utility Regulatory Commission as a part of the rate case. To intervene in the case does not mean the SAB is will oppose the rate increase. We will monitor the case and then determine if the SAB will support, oppose or remain neutral. Citizens Energy Group has a significant problem with the ageing infrastructure

associated with the water system. When it was the Indianapolis Water Company the Indianapolis City leadership did not seek regular rate increases. They would seek an increase after significant problems were identified. The routine maintenance was differed. Now, the system has significant problems that Citizen Energy is trying to address. Citizen management philosophy is to seek smaller incremental increases rather than waiting on a crisis that requires a large increase.

IN THE MATTER OF CORRESPONDENCE

Commissioner Palmer acknowledged there was no correspondence received.

Action needed/taken on the following:

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| 1. Checks received and signed to the county: | None |
| 2. Commissioner Palmer signed vehicle titles for the following: | None |
| 3. Documents needing action: | None |

IN THE MATTER OF VETERANS AFFAIRS

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

Commissioner Matt Whetstone moved to adjourn the Commissioners’ meeting. 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
