

October 8, 2013

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, October 8, 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
James Andrews		Hendricks County Assistant Engineer
Michael E. Graham		Administrator to Commissioners
James McBryant		Director Cypress Manor
Douglas Morris		Hendricks County Systems Manager
Kevin Cavanaugh		Hendricks County Facilities Manager
Jim Mardis		Hendricks County Clean Water Director
Judith Wyeth		Secretary to the Commissioners

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

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IN THE MATTER OF MINUTES

Commissioner Whetstone moved to approve the minutes of the September 24, 2013 meeting, as corrected.

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

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IN THE MATTER OF CLAIMS

Commissioner Gentry moved to approve Claims #244976 thru 245317, #105534 thru 105588 and Direct Deposit #109022 thru 109461, as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF RONALD REAGAN PARKWAY - AWARD

Commissioner Palmer announced the IACT (Indiana Association of Cities and Towns) Governmental Cooperation Award was awarded to Hendricks County, Avon, and Plainfield for their cooperation on the Ronald Reagan Parkway. The award was presented at their banquet on Monday, October 7, 2013 at the JW Marriott in Indianapolis. She also stated County Engineer John Ayers participated in the video interviews for this award. The award will be placed in the display case in the Government Center.

Jim Andrews presented a letter and stated USI is submitting the Ronald Reagan Parkway project from US 36 to CR 100S for an award from the ACEC (American Consulting Engineers Council) and they need a letter signed by the Commissioners giving permission to apply. It was the consensus of the Commissioners to sign this letter as presented.

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IN THE MATTER OF TREASURER NANCY MARSH

The Commissioners recognized Hendricks County Treasurer Nancy Marsh for receiving the 2013 Outstanding County Treasurer award at the annual Association of Indiana Counties (AIC) conference in Switzerland County, Indiana in September. She was presented a large basket of yellow mums and a "treat" bag and thanked for her service to Hendricks County.

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IN THE MATTER OF WEST CENTRAL CONSERVANCY DISTRICT - APPOINTMENT

Attorney Alan Hux of the West Central Conservancy came forward regarding the appointment of Jim Tygrett to the Common Wage Committee for the planning of a West Central Conservancy District construction project to be known as the Club House Lift Station #5 Elimination Project White Lick Sewer Rehabilitation Project – Phase 2.

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He stated due to a lawsuit filed against the conservancy by this appointee he felt there was a conflict if he served on the wage committee. Mr. Hux requested the Commissioners to withdraw this appointee and appoint someone else. There was discussion of this request and of the appointment. It was the consensus of the Commissioners that their appointment of Jim Tygrett had been a good representative of the Commissioners on other wage committees and that the appointment for him to serve as the Commissioners' representative on the Common Wage Committee for the West Central Conservancy stands.

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IN THE MATTER OF BROWNSBURG PUBLIC LIBRARY - APPOINTMENT

Receipt was acknowledged of a notice from Wanda L. Pearson, Director Brownsburg Public Library, informing the Commissioners that the Commissioners' appointee, Lugene Yearwood, has served on the Brownsburg Public Library Board of Trustees since 2001 and she has advised that upon the expiration of her current term on December 31, 2013 she does wish to be reappointed for a fourth full term through, December 31, 2017. Commissioner Whetstone stated Ms. Yearwood had done an excellent job for the Brownsburg Public Library and moved to reappoint Lugene Yearwood to a fourth full term on the Board of Trustees of the Brownsburg Public Library, through December 31, 2017. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CR 100N AND CR 900E

Jim Andrews reported we submitted an application to the MPO (Metropolitan Planning Organization) for Highway Safety Improvement Program funding for the roundabout at CR 100N and CR 900E and presented a cover letter for the Commissioners to sign. He stated we also tried to get an application for the realignment of Raceway Road south of 56<sup>th</sup> Street, however, there is not enough of an accident history at that location to create a B Ratio over 1.0, which is the minimum required for consideration for funding. Mr. Andrews stated we will need to revisit using local funds and revisit a joint project with Indianapolis. It was the consensus of the Commissioners to approve the cover letter presented and allow the President to sign on behalf of the Commissioners.

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IN THE MATTER OF BRIDGE DESIGN

Jim Andrews reported three members of the Engineering Staff have evaluated the engineering proposals for the design of four local bridges and Commissioner Whetstone will now review these proposals.

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IN THE MATTER OF BRIDGE INSPECTIONS

Jim Andrews explained they have evaluated the proposals for 2014 / 2016 Bridge Re-inspections and the top three firms are:

- 1) United Consulting Engineers      2) USI Consultants      3) Butler Fairman and Seifert

in that order. He stated this is a Federal Aid project and we have to go with the results of these evaluations. The results have been submitted to INDOT, who has approved the selection method and with the Commissioners' approval they will meet with United Consulting this Thursday, October 10, 2013 to discuss contract fees. Mr. Andrews stated INDOT has said we have to have signed contracts submitted by November 1, 2013. It was the consensus of the Commissioners to approve the selection of United Consulting and for the Engineering Staff to meet with representatives of United Consulting on October 10, 2013 to discuss contract fees for the 2014 / 2016

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Bridge Re-inspections.

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IN THE MATTER OF BRIDGE NO. 162 AND BRIDGE NO. 47

Jim Andrews stated the bridge re-decking on Bridge No. 162, located on Columbia Street in Danville, has now been completed and the road reopened.

Jim Andrews reported a portion of Lafayette Road is now closed for work on Bridge No. 47.

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IN THE MATTER OF SR 267 RELINQUISHMENT

Jim Andrews stated we have now come to an agreement with INDOT on the contract terms for the SR 267 relinquishment agreement and presented the Road Transfer Memorandum of Agreement between the Indiana Department of Transportation (INDOT) and The Town of Avon, The Town of Brownsburg and Hendricks County, Indiana concerning the Transfer of Portions of SR 267. He included maps showing the proposed relinquishment areas. Commissioner Whetstone reported he has been talking to Mike Rogers from Avon regarding the agreement for the CSX Bridge. Mr. Andrews stated the Commissioners will need to sign the INDOT agreement and then he will take this agreement to the Avon and Brownsburg representative for them to sign and then forward the signed document to INDOT. Commissioner Whetstone moved to approve and sign the INDOT agreement for relinquishment of portions of SR 267 in Hendricks County. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF EXIT 59

Jim Andrews reported at the Kite/Gordman's project at I-70 and SR 39, they have completed construction of their road, so construction traffic is now supposed to be using it instead of CR 1000 South. CR 1000 South appears to have held up very well under the construction traffic, but will be reviewed to determine if the developer will need to perform any repairs.

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IN THE MATTER OF B&O TRAIL

Jim Andrews presented the Quick Claim Deed from the Hendricks County Indiana Board of County Commissioners to the B&O Trail Association for CSX right-of-way from CR 500 East to CR 575 East that was recently purchased from the CSX Railroad. He explained this transfer was approved at the September 24, 2013 meeting. Commissioner Gentry moved to approve the Quick Claim Deed for the B&O Trail 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.

Hall Virgil of the B&O Trail Association thanked the Commissioners for working with the B&O Trail Association on the acquisition of this additional property for the trail.

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IN THE MATTER OF GOVERNMENT CENTER

Commissioner Gentry reported several veterans had commented there is no light on the flags that fly in front of the Government Center and requested the Engineering Department to look at adding lights to this area for the flags.

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IN THE MATTER OF COURT HOUSE

Kevin Cavanaugh gave an update on the progress of the Court House renovation and stated Phase 1 of Superior Court 5 is now complete. They are planning to have an Open House for Superior 5 on Friday, October 25, 2013 from 2 – 4 PM. He explained they have started Phase 2 for Superior Court 4 and then Phase 3 will follow for the

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IN THE MATTER OF MILL CREEK SCHOOLS

Mike Graham reported on October 3, 2013 Greg Guerrettaz of Financial Solutions Group and he met with Dr. Jill Jay, Superintendent, and Jim Diagostino, Assistant Superintendent, at the Mill Creek Community School Corporation and provided them an overview of the various projects at I-70 and SR 39. They had two primary concerns. The first concern was getting some pass through when the County negotiates a TIF and the second was making sure the County is not holding excess cash that may be generated by a TIF. He stated generally, they understood the challenges of economic development and understood the competition between other communities in the State and outside of the State. They also felt a key to growth in the community was extending sanitary sewer and water services and they recognized the potential benefits for Hazelwood as these projects move to the west. Mr. Graham stated overall it was a positive meeting.

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IN THE MATTER OF LIBERTY TOWNSHIP FIRE

Mike Graham explained Steve Hartsock is the Fire Chief for the Fire Department of Liberty Township. He is interested in building a new firehouse on a 2 acre site that was dedicated to the County by the developers when the County Plan Commission approved 70 West Commerce Park. The 2 acres was dedicated to the County to insure it would be used for a public safety purpose. In addition to the property the Fire Department of Liberty Township would like some TIF dollars to build the station. There was discussion of this request and that Liberty Fire has already received \$600,000 from TIF that was used to purchase some new fire equipment and the balance due on an existing fire truck was paid off for them. No action was taken.

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IN THE MATTER OF ELECTION 2014

Mike Graham explained Laura Herzog, Election Supervisor, is planning ahead to the 2014 elections and is requesting to use Room #3 on the middle floor of the Government Center for the 2014 "Early Voting Center" during the month of April and the month of October, 2014. This would eliminate the confusion that resulted during the last two election years in the hall outside the Voter Registration office. There are two doors in Room #3 so they will have an entrance door and exit door for a better traffic flow and can keep most voters inside the building. Also, they can lock the doors in Room #3 at the end of each day and not have to take down the voting machines on a daily basis. They are planning all future election training sessions at the fairgrounds where there is ample parking and room so they will not be using any rooms in the Government Center for those five groups. It was the consensus of the Commissioners to approve changing the location of early voting for 2014 elections and they complimented Ms. Herzog for looking to make voting easier and more convenient for the voters.

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IN THE MATTER OF ANIMAL CONTROL

Mike Graham reported the Animal Shelter Advisory Group has defined their primary mission as reducing the number of animals euthanized at the Shelter by increasing the number of adoptions. The two objectives to accomplish this adoption mission are to increase marketing efforts and to make adoptions easier. The marketing effort is to develop a new web site. Members of the Advisory Group and AAA have raised \$2,000 for a new web site. They have selected a web designer. The majority of the funds have been deposited into the Shelter donation

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fund. He stated they will be bringing a contract for the Commissioners’ consideration. Doug Morris and his staff will be involved in the process. Another recommendation from the Animal Advisory Group to the Commissioners is to increase the adoption fees. It seems increasing the fees would be counterproductive to increasing adoptions. Mr. Graham further explained the reason for increasing the adoption fee is to create a donation fund balance to pay for shelter animals to be spayed or neutered. The Advisory Group wants to get adoptable animals fixed prior to being adopted. All veterinarians in the County will be invited to be involved in the process. The participating veterinarians will be asked to do the procedure at a deep discount of \$30 per animal. They would rotate the procedures between the veterinarians who participate. In addition to increasing the adoption fee the Advisory Group is recommending increasing the cost to euthanize an animal. Currently our adoption process is pretty awkward. The adoption fee is \$18 plus a money order of \$9.95 to the American Kennel Club to register the microchip and a prepaid receipt from a veterinarian for a spay or neuter of the animal, one rabies vaccination and one distemper vaccination. The Advisory Group is recommending an adoption fee of \$67 and increasing the euthanasia fee from \$20 to \$30. To increase these fees the Commissioners will need to amend the ordinance. The purpose of establishing the Advisory Group was to provide an opportunity for animal activist to be involved in a process. It has taken many hours of discussion but the group is finally making progress. There was discussion of the adoption fee, the euthanasia fee and these increased fees. Commissioner Gentry moved to authorize Mike Graham to make the changes to amend the Animal Control Fee Ordinance, once the fees have been determined, and bring back when ready to advertise for a public hearing for this revised fee ordinance. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CYPRESS MANOR

Mike Graham acknowledged receipt of an email from James McBryant which provided a log of Jennifer McKinney’s personal cell phone use for Cypress Manor activities during September 2013. He requested authorization to proceed with ordering a County cell phone for Ms. McKinney. It was the consensus of the Commissioners to order a County cell phone for Jennifer McKinney for use at Cypress Manor.

James McBryant presented the Admission Record/Contract for Michael R. Nichols of Guilford Township. He gave a brief history of this individual and requested to accept this individual as a permanent resident of Cypress Manor. Commissioner Gentry moved to accept Michael R. Nichols of Guilford Township as a permanent resident of Cypress Manor, as requested by the Director. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PICTOMETRY

Mike Graham reported the towns of Avon, Brownsburg, Danville and Plainfield have made a verbal commitment to help pay for Pictometry. He stated he will be asking Attorney Greg Steuerwald to prepare an Interlocal Agreement.

IN THE MATTER OF TAX SALE

Auditor Cinda Kattau reported on the tax sale that was held on Friday, September, 27, 2013. She stated there were some parcels that did not sell during the tax sale that will have certificates for the Commissioners. She will

bring these to a future meeting.

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#### IN THE MATTER OF BENEFITS MEETING

Commissioner Palmer announced there would be a Benefits Meeting at 11:00 AM on Thursday, October 10, 2013 in the Government Center to discuss employee benefits.

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#### IN THE MATTER OF SHELTERING WINGS

Commissioner Whetstone stated he had attended the Sheltering Wings ceremony on Thursday, September 26, 2013 recognizing October as Domestic Violence Month and read the proclamation from the Commissioners. He stated this was a very impressive ceremony held at the Sheltering Wings facility in Danville and he was very impressed with this program.

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#### IN THE MATTER OF EXTENSION

Commissioner Palmer acknowledged receipt of a request from Purdue Extension for the Commissioners to make two appointments to the Hendricks County Extension Advisory Board. It was the consensus of the Commissioners to obtain more information on this board and to begin considering possible appointees for this Board.

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#### IN THE MATTER OF INDIANA 2013 LEGISLATIVE COUNCIL

It was acknowledged Clerk D. J. Hoskins has delivered the 2013 Indiana Code DVD Format from the Indiana Legislative Council. It has been placed on the book case in the Commissioners' office for reference.

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#### IN THE MATTER OF RON FAULKNER

Commissioner Palmer announced Ron Faulkner, the Commissioners' appointee to the Board of Appeals, passed away suddenly on Wednesday. He was appointed on August 4, 2009 to serve on this five-member board. She referenced the County Flag Policy the states: ***The flags will fly at half-staff for ½ day, the time of the funeral, for a current appointee.*** Mr. Faulkner's services will be held at 2 PM on Tuesday, October 8, 2013 and flags will be lowered to half staff at noon on that date.

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#### IN THE MATTER OF TORT CLAIM – GEARNES

Receipt was acknowledged of a Tort Claim from Keffer Barnhart, Driven Attorneys, on behalf of Maggie Gearnas for incident of April 8, 2013 at Applebee's in the Town of Plainfield. It was noted the claim has been scanned to Greg Steuerwald and John Parmley.

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#### IN THE MATTER OF CORRESPONDENCE

Commissioner Palmer acknowledged receipt of the following:

Correspondence:

1. Letter of September 27, 2013 from Lt. Governor Sue Elsperrmann expressing appreciation for joining her at her Listen & Learn Tour listening session for elected officials on September 23, 2013 at the Danville Town Hall.
2. Letter of September 13, 2013 from the Town of Plainfield giving Notice of Sanitary Sewer Construction Permit: The Residences on Ronald Reagan, beginning near Raceway Road and CR 100S (aka Morris Street).
3. Ron W. Goff, District Manager West Central Conservancy District, sent notice advising two emergency use generators may fall under certain air permitting requirements. An Air Permit Application will be submitted by the WWCD to the Indiana Department of Environmental Management on September 30, 2013.
4. Notice of October 1, 2013 that the Indiana Department of Environmental Management (IDEM), Office of Water Quality, Facility Construction Section has received a wastewater treatment plant permit application on September 27, 2013 from Mr. Timothy Belcher, P.E. Town Engineer, and Town of

- Plainfield, as required by IC 13-15-3-1. If approved by IDEM the permit would allow the applicant to construct a sanitary sewer to Plainfield South Wastewater Treatment Plant Expansion in Plainfield, IN.
5. IDEM notice of October 2, 2013 informing that the Indiana Department of Environmental Management (IDEM) Office on Air Quality, Permits Branch, has received an application from the West Central Conservancy District in Avon, Indiana. Applicants are required to place certain types of applications at the local library.

**Action needed/taken on the following:**

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| 1. Checks received and signed to the county:                    | \$3,315.43 CopyCo<br>\$ 1,326.85 OB Services for Collision |
| 2. Commissioner Palmer signed vehicle titles for the following: | None   |
| 3. Documents needing action:                                    | None.  |

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IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for September 23 2013 through October 4, 2013 from Ron Love, Human Resources Director.

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IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the four weekly Highway reports for September 3 thru September 27, 2013 from Curt Higginbotham, Highway Superintendent.

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IN THE MATTER OF EXECUTIVE SESSION

Commissioner Palmer announced an Executive Session has been scheduled and posted for 11:15 AM on Tuesday, October 8, 2013 in Room #2 for personnel issues.

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IN THE MATTER OF LUNCHEON - AIC

Commissioner Palmer announced lunch had been scheduled at noon today at Frank’s Place on the Danville Square with David Bottorff and Andrew Berger of the AIC.

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Commissioner Whetstone moved to adjourn the meeting at 10:35AM. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

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Phyllis A. Palmer, President

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Bob Gentry, Vice President

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Matthew D. Whetstone, Member

ATTEST: \_\_\_\_\_  
Judith Wyeth, Deputy Auditor

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