

November 12, 2013

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, November 12, 2013 with a quorum of two (2) 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 |
| Gregory E. Steuerwald | | Hendricks County Attorney |
| John Ayers | | Hendricks County Engineer |
| Michael E. Graham | | Administrator to Commissioners |
| James McBryant | | Director Cypress Manor |
| Douglas Morris | | Hendricks County Systems Manager |
| Curt Higginbotham | | Hendricks County Highway Superintendent |
| Kevin Cavanaugh | | Hendricks County Facilities Manager |
| Jim Mardis | | Hendricks County Clean Water Director |
| Laura Herzog | | Hendricks County Voter Registration Supervisor |
| Judith Wyeth | | Secretary to the Commissioners |

Note: Commissioner Whetstone was on vacation and did not attend this meeting.
Auditor Cinda Kattau was ill and did not attend.

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

IN THE MATTER OF MINUTES

Commissioner Gentry moved to approve the minutes of the October 22, 2013 meeting, as corrected.

Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF CLAIMS

Commissioner Gentry moved to approve Claims # 245742 thru 246084, #105640 thru 105689 and Direct Deposit #109894 thru 110350, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF TRI WEST HIGH SCHOOL GOVERNMENT CLASS

Commissioner Palmer welcomed 23 members of the Tri West High School Government Class and their Teacher, Adam Love, as visitors to County government. Mr. Love stated they would stay through part of the Commissioners’ meeting and would then visit other offices in the Government Center and Court House so the students could learn about local government.

IN THE MATTER OF EXTENSION CONTRACT

The Amendment #6 to Extension Contractual Agreement between Purdue University and Government of Hendricks County, Indiana in accordance with IC 20-12-31.1 for January 1, 2014 through December 31, 2014 was presented for approval and execution. It was noted this annual agreement is in the amount of \$107,755 and is for the Extension Office located at the Hendricks County 4-H Fair and Conference Complex. Commissioner Gentry moved to approve the Amendment #6 to the Extension Contractual Agreement between Purdue University and Government of Hendricks County, Indiana for January 1, 2014 through December 31, 2014, as presented, and allow the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF JE-TO- LAKE

Mike Graham reported the Je-To-Lake grant for reconstruction of the lake will need to be discussed at the next meeting. It was the consensus of the Commissioners to continue the Je-To Lake grant discussion to the November 26, 2013 meeting.

IN THE MATTER OF BRIDGE ON SR 267 OVER CSX TRACKS

Mike Graham presented an Agreement for Construction of Bridge over CSX Railroad on SR 267, Avon, Indiana,

between the Avon Town Council and Hendricks County Board of Commissioners. John Ayers explained this agreement and stated it will be delivered to Avon Town Council for their approval and execution later this week. Mr. Ayers noted that the Avon Agreement was a part of the SR 267 relinquishment agreement with INDOT. Commissioner Gentry moved to approve and sign the Agreement for Construction of Bridge over CSX Railroad on SR 267, Avon, Indiana, between the Avon Town Council and Hendricks County Board of Commissioners and allow the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF COATESVILLE - CLAY TOWNSHIP LIBRARY

Receipt was acknowledged of a request from Cheryl Myers Steinborn, Director of the Coatesville - Clay Township Public Library requesting the reappointment of Mrs. Judy Dunlap for another four year term on the Coatesville - Clay Township Public Library Board of Trustees. She stated Mrs. Dunlap has served as an excellent and productive board member for the past 12 years and another term will be through December 31, 2017. Commissioner Gentry moved to reappoint Judy Dunlap for another four year term through December 31, 2017 on the Coatesville – Clay Township Library Board of Trustees, as requested. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF COURT HOUSE USE

Receipt was acknowledged of a call from Rev. David Hunt requesting approval to perform wedding ceremonies in the Court House Rotunda during working hours. He is an ordained non-denominational minister and has been doing ceremonies outside the Court House, however, with the coming of winter he would like to move inside. It was noted Clerk D. J. Hoskins reported weddings can be performed by the County Clerk, Town Clerks, Judges and ministers, however, with the reduced Clerk’s staff the County Clerk no longer performs this service. Currently Judge Coleman often appoints Attorney Melissa Sowers as Judge Pro Tem for a day and she does some of the ceremonies. Sometimes Ms. Sowers does the wedding service in her office, however, she along with several ministers, have been performing the wedding ceremonies during the day inside the Court House. Ms. Hoskins explained they currently average three weddings a week in the Court House with never more than six people involved and there are no candles or flowers, brought in except for the bride’s bouquet. Rev. Hunt is clarifying it is permissible for him to perform the wedding service inside of the Court House. Commissioner Gentry moved to approve Rev. David Hunt having use of the Court House to perform wedding ceremonies during regular working hours. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

Receipt was acknowledged of an email from Mike Nielson, Vice President Danville Town Council, requesting use of the Court House for the wedding of his daughter on December 28, 2013. It was noted they would like for the Christmas tree in the Court House to be down by that date. It was the consensus of the Commissioners to send the Court House User Fees Ordinance to Mr. Neilson for his review and to note the Christmas tree will probably not be down by this date.

IN THE MATTER OF EMPLOYEE HEALTH INSURANCE

Mike Graham presented the Administrative Service Agreement for the Flexible Benefits Plan for Employee Health

Insurance for the 2014 plan year with Nyhart. Commissioner Gentry moved to approve the Nyhart Administrative Service Agreement for the Flexible Benefits Plan for the Employee Health Insurance for 2014, as presented, and allow the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF COUNCIL DISTRICTS

Laura Herzog, Voter Registration Supervisor, presented a draft reformation of the four council districts for consideration. She explained this effort was led by the students and faculty from DePauw University who have studied local election districts. Thru this effort some council districts have been called into question. Ms. Herzog stated this is a revision to An Amendment to Ordinance No. 2011-30 Commissioner and Council Election Districts and would need to be advertised for a public hearing. There was discussion of these changes. Commissioner Gentry moved to advertise the revised council districts for a public hearing on December 10, 2013. Ms. Herzog stated she will take this draft of council boundary revisions to the County Council meeting on Thursday, November 14, 2013. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF HIGHWAY

John Ayers explained one of the Highway trucks caught on fire last week due to electrical problems and they are looking to lease a replacement truck. Curt Higginbotham further explained they needed this vehicle for highway duty and leasing would make this possible rather than waiting for the delay of advertising and going through the bid process. Commissioner Gentry moved to approve rental of a truck for Highway to replace the truck damaged in the fire. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

John Ayers presented a Notice to Bidders for 2014 Highway materials for execution and stated they would like to advertise to accept bids at 9 AM on December 10, 2013 and then award the bids at the last Commissioners' meeting of the year. Commissioner Gentry moved to approve advertising the Notice to Bidders for 2014 Highway supplies for bid opening on December 10, 2013 and to allow the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF MPO

John Ayers reported later today he will attend a meeting with the Metropolitan Planning Organization (MPO) staff to discuss County projects within the urbanized Indianapolis area.

IN THE MATTER OF CONSULTANTS

John Ayers announced the Commissioners and Engineering Staff will start interviewing consultants for bridge design of Bridge No. 19, No. 123 and No. 175 at 9 AM on Monday, November 18, 2013 in the Commissioners Meeting Room.

IN THE MATTER OF BRIDGE NO. 272

John Ayers stated INDOT has sent a County Railroad Agreement for Bridge No. 272 that provides for the flagging, review permits, etc. that we will have to pay CSX to provide for this project. He stated we will be paying them \$235,317 for their services out of the Cumulative Bridge Fund. This project is currently scheduled for a July letting. Commissioner Gentry moved to approve and sign the County Railroad Agreement for Bridge No. 272, in the

amount of \$235,317, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF RAILS TO TRAILS

John Ayers reported at the last meeting the Commissioners signed a Supplemental to the LPA Agreement with INDOT for the change in bid date for the Rails to Trails project. He presented Supplemental Number 1 EDS No. A249-12-320837 CFDA #20.205, Designation Number 1173775 for bike pedestrian facilities for the B&O Trailhead at the intersection of SR 267 for the companion project for the B&O Trail. Commissioner Gentry moved to approve the Supplemental Number 1 for the B&O Trail for the intersection of SR 267 and allow the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF JAIL

John Ayers presented Change Order No. 002 with Gibraltar Construction Co. for the Jail project. This is for the drainage work in the paved lot behind the sally port, mold remediation and new ceilings in the detective area of the Jail in the amount of \$42,601, for a total of \$1,993,904. Commissioner Gentry moved to approve the Change Order No. 002 for the Jail project in the amount of \$42,601, as recommended by the County Engineer. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF GIS

John Ayers requested permission to purchase two ESRI licenses for the Engineering and Auditor's offices in the amount of \$12,600. These are for use by County personnel to enter data into the GIS system. Doug Morris explained these will be purchased for the computer software and explained these licenses will be for 2013 and 2014. Mr. Morris also stated the GIS licenses are managed through the Computer Department. Commissioner Gentry moved to approve the purchase of two GIS licenses for Engineering and Auditor in the amount of \$12,600. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF EAST CAMPUS ROAD

John Ayers reported they were unable to reach an agreement with Central Engineering regarding the pavement on the East Campus Boulevard, so he has sent a letter to their bonding company requesting bond forfeiture. He stated he is continuing to work with the contractor and they will do additional testing of the pavement using a different company to do these tests.

IN THE MATTER OF VETERANS' DAY PROGRAM

Commissioner Palmer commended Veterans' Service Officer Lori Turpin on the impressive Veterans' Day Service in the Court House. She also thanked Kevin Cavanaugh for his assistance with this program.

IN THE MATTER JANITORIAL SERVICES AGREEMENT

Kevin Cavanaugh presented a Janitorial Services Agreement with D-One Restoration LLC for custodial services at the Court House Annex in the amount of \$1,900 per month for 5-day per week service, beginning with the first payment due on the 20th day of January, 2014 and each month thereafter. He stated we have been utilizing this custodial service and they have proven very satisfactory. Commissioner Gentry moved to approve the 2014 contract with D-One Restoration services for custodial services at the Court House Annex, as recommended. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF COURT HOUSE RENOVATION

Kevin Cavanaugh explained he will go to the December 12, 2013 County Council meeting to request additional funding in the amount of \$220,000 for the changes of Phase 3 of the Court House renovation. John Ayers stated this additional was anticipated, however, they did not know the exact amount to request until the final design has been presented.

IN THE MATTER OF CYPRESS MANOR

James McBryant presented an application for permanent residency for David Linson and gave a brief history of this individual. Commissioner Gentry moved to approve the admission of this applicant as a permanent resident of Cypress Manor, as recommended by the Director of Cypress Manor. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

James McBryant presented an application for permanent residency for Robin Alexander of Guilford Township and gave a brief history of this individual. Commissioner Gentry moved to approve the admission of this applicant as a permanent resident of Cypress Manor, as recommended by the Director of Cypress Manor. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

James McBryant reported he has three veterans currently living at Cypress Manor and he took them to Applebee’s for a free Veterans’ Day meal.

James McBryant thanked Kevin Cavanaugh for the new replacement roof on the Cypress Manor garage.

James McBryant reported there are a limited number of applicants eligible for ARCH and currently they have only allowed three applicants on the ARCH program.

Receipt was acknowledged of the Cypress Manor report for October 19 to November 1, 2013 from James McBryant, Cypress Manor Director.

IN THE MATTER OF LIABILITY INSURANCE

John Parmley, One Beacon Insurance, gave a report on his contact with various insurance companies to obtain a quote by December 1, 2013. He will then put the information on a spreadsheet to present to the Commissioners. There was discussion of the insurance premiums. Mr. Parmley stated he will bring these quotes to the December 10, 2013 meeting.

IN THE MATTER OF AIRPORT

Al Bennett, Hendricks County’s Member on the Indianapolis International Airport Authority, gave a brief update on the Indianapolis International Airport and distributed a news release as the airport celebrates the fifth anniversary of the new terminal. It also noted the Indianapolis International Airport has been twice named the top airport in North American since opening the new terminal.

IN THE MATTER OF PICTOMETRY

Mike Graham presented a proposed Interlocal Agreement with the towns of Avon, Brownsburg, Danville and Plainfield to help pay for Pictometry. He requested approval and execution of the Agreement for the Use of Pictometry Hendricks County, Avon, Brownsburg, Danville and Plainfield so that he can then distribute it to the various towns for their review. Commissioner Gentry moved to allow the President to sign the Interlocal Agreement for Pictometry and distribute to the towns of Avon, Brownsburg, Danville and Plainfield for their approval and

execution. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF BROWNSBURG ANNEXATION

Mike Graham reported the residents opposed to the Brownsburg northern annexation are getting their lawsuit prepared and because the County owns several parcels in the annexed area the residents opposed to the annexation believe the County has the standing to sign a petition against the annexation. Sabrina Graham made the request and has provided remonstrance petitions for the Commissioners signature. He also stated Attorney Greg Black, representing the remonstrators, is asking for him and other County employees to be witnesses at the hearing. Mr. Graham stated with the need for the County to work with Brownsburg he recommended to not sign the remonstrance petitions. He stated if Greg Black wants to use any County staff person including elected officials as a witness he should serve them with a subpoena. The long standing position of the County Commissioners has been to not get involved in annexation petitions. It was the consensus of the Commissioners to not be involved in the Brownsburg annexation petition.

IN THE MATTER OF SPEARS & LANDRUM PROPERTIES

Mike Graham explained Paul Wilson in the Planning Department has been working on getting two properties cleaned up. On the Spears property there is a burned out house. The complaint was received on December 10, 2010 and it has been in the courts since January 14, 2013. The Landrum complaint was received in February 13, 1997 and in Court since March 23, 2001. We now have the appropriate court orders to clean up the properties. Mr. Graham stated that while these clean-ups take a lot of time the process of trying to obtain compliance before filing a lawsuit is very appropriate. He also noted the Planning Staff may ask for the Commissioners to approve the use of the Special Projects money to accomplish the clean-ups, however, there could be enough metal salvage value on the Landrum property that it may cover the cost of the clean-up. He presented pictures showing these two properties and noted while it is a difficult process it is good to see these properties getting cleaned up.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham gave an update on the development of a new web site for the Animal Control/Shelter. The Shelter donation fund has received \$1,400 of the \$2,300 goal for developing a new web site. He stated previously he had recommended not proceeding with the web site until they had received the full \$2,300. However, the animal activists have really stepped up by volunteering and raising money and we need to provide positive reinforcement by moving ahead. Mr. Graham requested approval to begin developing the web site without the full \$2,300. The activists have a pledge for the additional \$900 but we have not received it. All the money is coming from the Donation Funds and no money will be used from the County General Funds. Commissioner Gentry moved to approve beginning to develop the Animal Control/Shelter web site without the full \$2,300. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

Mike Graham reported the Animal Advisory Group has identified their next project as getting the animals spayed or neutered prior to adoptions. At the November 7, 2013 Animal Advisory Group meeting the AAA donated \$250 to provide the start of the seed money for a spay/neuter project. Our current practice is very awkward and inconvenient requiring the adopter to do various procedural items before an animal is adopted. A key item in implementing this

change is to get County vets to provide a low cost procedure. He explained we want to extend an invitation to all animal clinics to participate in this program. The animal Shelter staff would rotate the procedure between the veterinarians. A draft letter was presented that LaDonna Hughes, Interim Director, would sign asking the veterinarians to participate. It was the consensus of the Commissioners to approve the letter to veterinarians and for LaDonna Hughes to sign and send the letter. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

Mike Graham explained another key item in this project is to raise the adoption fee to pay for the continuation of this project. It is proposed that we raise the adoption donation from \$10 to \$67 for dogs and cats and to raise the euthanasia donation from \$20 to \$30. Mr. Graham presented a proposed ordinance amendment to change these requested donation amounts and recommended we advertise this ordinance for a public hearing on December 10, 2013. Commissioner Gentry moved to approve to advertise the ordinance amendment for the Animal Shelter to change the requested donation amounts for a public hearing on December 10, 2013. There was discussion of the amount of \$67 for adoption for dogs and cats and to make this amount an even amount. Commissioner Gentry amended his motion to advertise the ordinance amendment to increase the donation for adoption of cats and dogs to \$70 and the euthanasia donation to \$30 for a public hearing at 9 AM on Tuesday, December 10, 2013. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

Mike Graham referenced an email from Carolyn Slaughter regarding some safety issues associated with the Humane Society's Sunday Adoption Events. Ms. Slaughter's concerns are confirmed by her email attachment announcing the Humans Society's mandatory animal training for volunteers who work the event. The County may have some legal and financial exposure because the dogs at the event are County Shelter dogs. He stated Attorney Greg Steuerwald and John Parmley are talking about what steps the County should take to reduce our exposure. However, based upon the discussion at the November 7, 2013 Animal Advisory Group meeting this issue may go away. Mr. Graham stated it was the consensus at the Animal Advisory Group meeting to move the adoption events to the County Shelter and it was noted a Humane Society representative made this suggestion. There was discussion of moving the adoption events to the Shelter.

The Commissioners thanked Mike Graham for his email response to Tia Fox relative to animal concerns and expressed their appreciation to him for working with the Animal Control Advisory Group.

IN THE MATTER OF EMPLOYEE CHRISTMAS LUNCHEON AND SERVICE AWARDS

There was discussion of the annual employee Christmas luncheon that in previous years had been held at noon on the last working day before Christmas and the presentation of awards recognizing employees with 5, 10, 15, 20, 25, 30, 35 or 40 years of continuous full-time employment with Hendricks County Government. It was the consensus of the Commissioners to not have the luncheon this year and to close all County offices at noon on Tuesday, December 24, 2013. The employee service awards will be presented at the December 31, 2013 Commissioners' meeting.

IN THE MATTER OF COMMISSIONERS' MEETINGS

There was discussion of the remaining Commissioners' meetings for 2013. It was the consensus of the

Commissioners to keep their regular scheduled December 10, 2013 meeting, cancel the December 24, 2013 meeting and to hold their final meeting on December 31, 2013 when they would present the employee service awards.

IN THE MATTER OF TORT CLAIM - BRUMLEY

Receipt was acknowledged of a Tort Claim from Ken Nunn Law Office on behalf of Mattie L. Brumley, Jr. for incident of April 30, 2013 at US Hwy 36 and Ronald Reagan Parkway, within the Town of Avon. It was noted this claim has been scanned to Greg Steuerwald and John Parmley.

IN THE MATTER OF JAIL

Receipt was acknowledged of the Annual Jail Inspection Report for the Hendricks County Jail from Sheriff Dave Galloway.

IN THE MATTER OF CORRESPONDENCE

Commissioner Palmer acknowledged receipt of the following:
Correspondence:

- 1. IDEM Notice of Approval – Registration with the Office of Air Quality for the West Central Conservancy District
- 2. Cummins Behavioral Health Systems, Board of Directors Meeting Announcement for Wednesday, November 6, 2013 with dinner to begin at 5:30 PM followed by the Board Meeting at 6:30 PM at the Palms at Plainfield. The minutes of the Board of Directors Meeting on September 26, 2013 was also enclosed.
- 3. Ice Miller sent notice of a petition for Crown Castle for a special exception to allow the relocation of an existing wireless communication tower and variances to the development of standard at 3541 South Ronald Reagan Parkway, Plainfield, IN. This will go before the Plainfield Board of Zoning Appeals on November 18, 2013.

Action needed/taken on the following:

- | | |
|---|---|
| 1. Checks received and signed to the county: | \$ 420.00 Dick Hayden – snow blade
\$ 300.00 Rokita rent
\$ 500.00 Vehicle deductible
\$ 865.35 Sheriff vehicle struck in park-lot |
| 2. Commissioner Palmer signed vehicle titles for the following: | None |
| 3. Documents needing action: | None |

IN THE MATTER OF HUMAN RESOURCES

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

IN THE MATTER OF PLANNING

Receipt was acknowledged of the October 25, 2013 Report of Collections for September 2013 from Planning Director Don Reitz.

Commissioner Gentry moved to adjourn the Commissioners’ meeting at 10:22 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

Phyllis A. Palmer, President

Bob Gentry, Vice President

Matthew D. Whetstone, Member

ATTEST: _____
Judith Wyeth, Deputy Auditor