

January 14, 2014

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, January 14, 2014 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)	
Daniel Zielinski		Hendricks County Assistant Attorney
Cinda Kattau		Hendricks County Auditor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Don Reitz		Hendricks County Area Planning Director
Cathy Grindstaff		Hendricks County Director Environmental Health
Tammy Brinkman		Hendricks County Nursing Director
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

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

IN THE MATTER OF GUEST

Commissioner Palmer welcomed Morgan County Commissioner Don Adams to the meeting.

IN THE MATTER OF MINUTES

Commissioner Whetstone moved to approve the minutes of the December 31 2013 meeting, as corrected.

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

IN THE MATTER OF CLAIMS

Commissioner Gentry moved to approve Claims #105899 thru 10546 and Direct Deposit 3112154 thru 112602, as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE 2014 – 04

HENDRICKS COUNTY BOARD OF HEALTH ORDINANCE FOR COLLECITON OF FEES

Commissioner Palmer announced a Public Hearing for the Hendricks County Board of Health Ordinance for Collection of Fees has been duly advertised for 9 AM and it was now 9:03 AM. Commissioner Gentry moved to open the Public Hearing for the Hendricks County Board of Health Ordinance for Collection of Fees.

Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0. Commissioner Palmer asked if there was any public comment on this proposed ordinance. There was no public input.

Commissioner Whetstone moved to close the public hearing at 9:05 AM and to approve and adopt Ordinance 2014-04 for Hendricks County Board of Health Ordinance for Collection of Fees, as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF FLU CLINIC

Tammy Brinkman announced the Hendricks County Health Department still has some flu vaccine and the Health Clinic will be open each Wednesday from 1:30 PM to 3:30 PM as long as they have a supply.

IN THE MATTER OF ANIMAL CONTROL FEES ORDINANCE

Commissioner Palmer stated the Animal Control Adoption Fees Ordinance was continued from the previous meeting as some changes were made in the ordinance. There was discussion of re-advertising the legal notice for a second public hearing for this ordinance. Commissioner Gentry moved to approve the Animal Control Adoption

Fees Ordinance. Commissioner Whetstone seconded the motion. There was discussion that there were some changes made in the draft ordinance. Commissioner Gentry withdrew his motion. Commissioner Whetstone withdrew his second. Commissioner Gentry moved to advertise for a second public hearing for the Animal Control Adoption Fees Ordinance for a public hearing at 9 AM on February 11, 2014 in the Commissioners' Meeting Room. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RESOLUTION NO. 14-05
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY,
INDIANA, APPROVING AN AMENDMENT TO LEASE AGREEMENT BETWEEN
THE HENDRICKS COUNTY REDEVELOPMENT AUTHORITY AND THE
HENDRICKS COUNTY REDEVELOPMENT COMMISISON, AND ADDRESSING
CERTAIN MATTERS RELATED THERETO

Attorney Bruce Donaldson, Barnes & Thornburg, gave a brief history of the Lease Rental Revenue Refunding Bonds, Series 2004 dated March 1, 2004 relative to SDI (Steel Dynamics) and gave an update on the status of these bonds. He presented a Resolution Approving an Amendment to this Lease in an Agreement between the Hendricks County Redevelopment Authority and the Hendricks County Redevelopment Commission. He reported the Redevelopment Commission approved the refinancing of these bonds at their meeting on January 8, 2014 and the Redevelopment Authority will be meeting to also approve this refinancing. There was discussion of the benefits of this refinancing to Hendricks County that would save Hendricks County considerable money and with this refinancing the bonds would be paid off early, which would also save Hendricks County money. Commissioner Whetstone moved to approve and execute the Resolution of the Board of Commissioners of Hendricks County, Indiana, Approving an Amendment to Lease Agreement Between the Hendricks County Redevelopment Authority and the Hendricks County Redevelopment Commission, as presented, as Resolution No. 2014-05. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF AERO-VISION
INTERLOCAL COOPERATION AGREEMENT WITH
INDIANAPOLIS AIRPORT AUTHORITY

Mike Graham stated the Interlocal Cooperation Agreement with the Indianapolis Airport Authority and the participating local units of government has made some minor amendments and presented an amended agreement. He also presented a redlined copy of the amended agreement and explained. He stated the amendment clarifies the agreement is subject to the Indiana's Open Door Law and the Indiana Access to Public Records Act. Also, the amendment makes the agreement subject to the planning and zoning laws of each Local Government Party. Mr. Graham stated these are very minor changes. Commissioner Whetstone moved to approve the Interlocal Cooperation Agreement with Indianapolis Airport Authority and allow the President to sign on behalf of the Commissioners. Commissioner Gentry seconded the motion and the motion was approved 2-1-0 with Commissioners Whetstone and Gentry voting aye and Commissioner Palmer voting nay.

IN THE MATTER OF SPEARS AND LANDRUM PROPERTY

Don Ritz gave an update on the Spears property and Landrum property from the November 12, 2013 meeting. On the Spears property there is a burned out house. The original 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. He stated we now have the appropriate court orders to clean up the properties. It was noted that while these clean-ups take a lot of time the process of trying to obtain compliance before filing a lawsuit is very appropriate. Mr. Reitz requested the use of the Special Projects money to accomplish the clean-up at CR 1000N and CR 1000E, however, there could be enough metal salvage value on the Landrum property that it may cover the cost of the clean-up. He referenced previous pictures showing these two properties and noted while it is a difficult process it is good to see these properties getting cleaned up. He presented a quote from Denny Companies in the amount of \$10,500. Commissioner Gentry moved to proceed to have Denny Companies cleanup these properties and fund the \$10,500 through the Special Projects Fund and to place a lien on the property in an attempt to re-coop our funds. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF APPOINTMENTS

Tourism Commission: Emory Lencke, Executive Director of Convention and Visitor's Bureau, referenced the December 27, 2013 letter from Interim Director Jamie Bohler Smith, requesting the reappointment of Lew White of Lew White Tours and Lynne Fuller, Owner/Operator F2/Inc. Tourism Consulting. Ms. Bohler Smith stated they are requesting the reappointment of these two individuals to the Tourism Commission at this time and will bring a recommendation for the third member to the January 28, 2014 meeting. Commissioner Gentry moved to reappoint Lew White and Lynne Fuller to another two year term on the Tourism Board through December 31, 2015, as recommended. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Tourism Commission: It was noted County Councilman Dick Thompson had been the Commissioners' appointee to the Tourism Commission. It was the consensus of the Commissioners to reappoint Dick Thompson to the Tourism Commission through December 31, 2014.

Redevelopment Commission: Commissioner Whetstone moved to reappoint Dan Devlin, Mark Vyzal and Don Allen to a three year term on the Redevelopment Commission through December 31, 2016. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

County Wage Committee: Commissioner Gentry moved to reappoint Jim Tygrett, Adam Love and Bret Wathen to the County Wage Committee through December 31, 2014. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Mill Creek Schools Wage Committee: It was the consensus of the Commissioners to continue the appointment of a representative to the Mill Creek Schools Wage Committee to the January 28, 2014 meeting.

Brownsburg Community Schools Wage Committee: Commissioner Whetstone moved to reappoint Kendall Hendricks to the Brownsburg Community Schools Wage Committee through December 31, 2014. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Regional Transit Authority: It was the consensus of the Commissioners to continue the appointment of Larry Hesson to the Regional Transit Authority.

Food, Shelter and Utility Assistance Board: Commissioner Whetstone moved to reappoint Council Member Nancy Johnson to serve on the Food, Shelter and Utility Assistance Board through December 31, 2014.

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

Metropolitan Planning Organization (MPO): Commissioner Gentry moved to reappoint Commissioner Whetstone to serve on the Policy Committee of the MPO with Planner Lesa Ternet as his alternate and to reappoint County Engineer John Ayers to serve on the Technical Committee of the MPO through December 31, 2014.

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

Danville Economic Development Commission: Commissioner Gentry moved to reappoint Ben Comer to serve on the Danville Economic Development Commission through December 31, 2014. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Danville Downtown Partnership: Commissioner Gentry moved to reappoint Planning Director Don Reitz to serve on the Danville Downtown Partnership through December 31, 2014. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Health Board: There was discussion of the Health Board. Commissioner Palmer moved to appoint Brian Cobb, David Bruce Dillon and Adam Kilbride to a four year term on the Health Board through December 31, 2017. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Hoosier Heartland: Commissioner Gentry moved to reappoint David Wyeth to serve on the Hoosier Heartland through December 31, 2014. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Parks Department: Receipt was acknowledged of a written request from Dennis Gibbs to be reappointed to the Parks Board. Commissioner Whetstone moved to reappoint Dennis Gibbs to another four year term on the Parks Board through December 31, 2017. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Service Advisory Board (Citizens Water): Commissioner Gentry moved to reappoint Mike Graham to serve on the Citizens Water Board through December 31, 2014. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Board of Review: It was noted one of the Commissioners' appointees to the Board of Review (PTBOA Board) had passed away and a replacement was needed. It was suggested to contact the Assessor's office for some recommendations to this board.

IN THE MATTER OF BRIDGE INSPECTIONS

John Ayers advised that at the previous meeting the Commissioners gave approval to proceed with an "on-call" type agreement with CMT (Crawford Murphy and Tilley) for construction inspection on culvert projects. He presented an agreement with CMT and stated this agreement does not include a total dollar amount as they negotiate that for each individual project. Mr. Ayers explained the agreement does contain a schedule of hourly rates, which have increased very slightly since the previous agreement in 2009, which was renewed in 2011. He

reported we have paid CMT a total of \$74,353 over the last three years under the previous agreement. It was noted this agreement shall expire on December 31, 2013 unless it is extended by mutual agreement. Commissioner Gentry moved to approve and execute the agreement for bridge inspections with CMT thru December 31, 2015. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ROAD MILEAGE

John Ayers presented the annual Road Inventory update for 2013 to submit to INDOT. He stated the report addresses the streets added to our inventory in 2013 for a total of additional 0.867 miles in Crystal Lake Estates and The Parks at Prestwick, Phase VI. Commissioner Gentry moved to approve and sign the Road Inventory Submittal, as presented by the County Engineer, and forward to INDOT. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGE NO. 48

John Ayers presented the Notice to Bidders for construction of Bridge No. 48, located on CR 200N and .05 mile east of CR 1050E over Little White Lick Creek, and requested to advertise for bid opening on February 11, 2014. Commissioner Gentry moved to advertise the Notice to Bidders for construction of Bridge No. 48 for bid opening at 9 AM on Tuesday, February 11, 2014. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

John Ayers stated Bernardin Lochmueller Associates, Inc., the design engineer for Bridge No. 48, has submitted a proposal for construction inspection on this project, which is to monitor the bridge construction and the Construction Engineer Fee Justification. He explained their fee is “Not to Exceed” \$70,500, which is 5.4% of the Estimated Cost. Mr. Ayers stated the Engineering staff has reviewed the proposed hours and believe them to be reasonable. He recommended approval of the agreement. Commissioner Whetstone moved to approve and sign the Amendment No. 2, Contract Agreement to the Agreement for Engineering Services made and entered into October 09, 2009 by and between the Board of Commissioners of Hendricks County, State of Indiana and Bernardin, Lochmueller and Associates, Inc. for Bridge No 48. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGES NO. 19, NO. 123 AND NO. 175

John Ayers presented the proposed design fees for Bridges No. 19, No. 123 and No. 175:

USI Consultants	Bridge No. 19	\$ 111,895
VS Engineering	Bridge No. 123	\$ 125,720
	Bridge No. 175	\$ 142,860

Mr. Ayers stated they have negotiated these fees with VS Engineering and USI Consultants for these three new bridge replacements and asked for approval to move forward to prepare an agreement with each. It was the consensus of the Commissioners for the County Engineer to move forward on these three bridges and bring back contracts at a future meeting.

IN THE MATTER OF SNOW

John Ayers gave a brief update on the snow storm activities last week that closed Hendricks County Government down for three days. There was discussion of the snow and removal. Mr. Ayers reported the

Weather Closings Committee, consisting of Highway Superintendent, Sheriff, County Engineer, Emergency Management Director and Commissioner Gentry plan to have a snow update meeting on January 28, 2014 to re-evaluate this matter and discuss procedures.

It was noted that some citizens have requested a letter stating the exact time and restrictions during the snow storm January 6, January 7, and January 8, 2014. A draft letter was presented to be sent to citizens requesting verification of the official time, conditions and restrictions during the snow last week. It was noted Attorney Dan Zielinski had reviewed the letter. Commissioner Gentry moved to approve and execute the letter verifying the time, date and restrictions of County closings. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Mike Graham noted the Commissioners assigned various levels of emergency warnings during the snow event, however, we do not have an ordinance to support assigning the warning levels. Previous efforts to adopt an ordinance have not been successful. He stated the current uniform warning levels established in the State makes greater sense than previous warning systems and inquired if the Commissioners would want to hold a public hearing to consider the establishment of a Hendricks County Disaster Emergency Declaration Ordinance? He presented a draft Hendricks County Disaster Emergency Declaration Ordinance. There was discussion of this ordinance. Commissioner Gentry moved to advertise the Hendricks County Disaster Emergency Declaration Ordinance for a public hearing at 9 AM on Tuesday, February 11, 2014 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 reported we have submitted a claim for the first payment from INDOT for SR 267 in the amount of \$3,785,365. He stated of this, \$2,010,712 will be paid to Avon towards the bridge project. Mr. Ayers recommended we establish a new line for this road and deposit the money there. It was the consensus of the Commissioners to establish a new line for SR 267.

IN THE MATTER OF BRIDGE NO. 106

John Ayers announced the Engineering Department met with representatives from INDOT on January 13, 2014 regarding our funding application for Bridge No. 106, located on CR 550N southwest of North Salem. He stated INDOT will announce the selection results in a month.

IN THE MATTER OF B&O TRAIL

John Ayers reported they will be meeting on January 16, 2014 with representatives from INDOT and from the B&O Trail Association to discuss funding awards for the B&O Trail project.

IN THE MATTER OF GOVERNMENT CENTER - DEPUTIES OFFICES

Mike Graham explained currently the deputies assigned to the Government Center are located in a portion of the Emergency Management office and the Sheriff has asked if the deputies could be moved to an office on the middle floor of the Government Center. Relocating their office provides a couple of benefits. It allows the deputies to be centrally located to improve response time and it provides less of a conflict in space for the Emergency Management Response Center. He further explained Emergency Management has improved the

emergency response center by increasing the number of computers at each work station. This has increased the size of the work stations and reduced the area used by the deputies. Currently, there is a vacant office in the Surveyor's area that was previously used by Charles Colbert, Weights and Measures Inspector. The support functions for Mr. Colbert have been moved to Karla Fuehrer in Clean Water and it makes sense to also move his files and desk to Clean Water. It was the consensus of the Commissioners to approve the move of the deputies to the vacant office in the Surveyor's Office.

IN THE MATTER OF EMPLOYEE RAISES

Mike Graham reported he Council made substantial salary adjustments to the Courts personnel for 2014. This has caused a salary imbalance with other positions in County Government. Treasurer Nancy Marsh has led the charge in asking the Council to consider making adjustments to salaries for other positions. There was recently a committee formed consisting of Treasurer Nancy Marsh, Auditor Cinda Kattau, Financial Advisor, Tami Mitchell, Human Resources Director Ron Love and Administrator to the Commissioners Mike Graham to develop some recommendations. He stated rather than reinventing the wheel it appears the committee will be using the existing Wage Scale to make adjustments to bring employees to the midpoint in the scale and asked if the Commissioners wanted to be involved in supporting a recommendation to the Council to increase employee salaries? The Commissioners stated they felt they do not have enough information to take a position and no action was taken.

IN THE MATTER OF JE-TO LAKE

Mike Graham announced the State has approved the Je-To Lake grant and the grant will need to be signed by the President. There was discussion of requiring a bond to cover road damage that could be caused by heavy trucks carrying out the dredging from the lake. County Engineer John Ayers will check on the possibility of a bond.

IN THE MATTER OF 70/39 COMMERCE PARK TIF

Mike Graham reported the 70/39 Commerce Park TIF District (southwest quadrant of the I-70 and SR 39 interchange, Kite/Sanders) is going through the approval process. The next resolution is to be considered by the Plan Commission on January 14, 2014. The TIF District will be presented to the Commissioners at the January 28, 2014 meeting. A key piece for developing the area south of I-70 is extending a gravity sewer line from the McCracken Creek Lift Station to SR 39. During the time period of discussing the TIF District, we were contacted by the existing truck stop on the southwest quadrant (TA Travel Center) about trying to help address a significant problem they have with their existing wastewater treatment problem. Mr. Graham stated the Indiana Department of Environmental Management is applying pressure to the TA Travel Center to address an upgrade of their treatment plant. The more cost effective solution for them is to connect to the Regional Sewer District. Jim Mardis has led the discussion with TA Travel Center and they would like to see a written agreement with the RSD. The amount to be paid by TA Travel Center would be \$250,000. The estimated cost for building the gravity sewer is \$500,000 to \$750,000. The concept for funding the balance between what TA Travel Center would pay and the cost of the sewer line is proposed to be paid from EDIT. He stated the EDIT fund would be reimbursed from 70/39 Commerce Park TIF District and is the same model we have used for extending services to the Johnson &

Johnson and Gordmans projects. He requested to proceed with seeking approval of the County Council to use up to \$500,000 of EDIT money for this project. There was discussion of this process. Commissioner Whetstone moved to allow Mike Graham to go to Council for use of up to \$500,000 EDIT funds to be used for the 70/39 project as stated and that these funds will be replaced from the 70/39 Commerce Park TIF. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ANIMAL SHELTER

Mike Graham stated Ladonna Hughes became Interim Director for the Animal Shelter in June of 2013 and during the recent performance reviews with department heads the Commissioners talked to Ms. Hughes about losing the interim part of her title. He recommended it be made official that Ladonna Hughes is the Director of the Animal Shelter. Commissioner Gentry moved to appoint Ladonna Hughes as Director of the Animal Shelter. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BENEFITS COMMITTEE MEETINGS

Mike Graham presented the following draft 2014 schedule for the Benefits Committee meetings that was set up by Auditor Cinda Kattau:

March 11, 2014	NOON (After Commissioners' meeting)
June 12, 2014	11AM (Before Council meeting)
September 9, 2014	NOON (After Commissioners' meeting)
December 11, 2014	11AM (Before Council meeting)

It was noted that the 2013 meetings had been scheduled to benefit both the Council and Commissioners. It was the consensus of the Commissioners to adopt the 2013 schedule for Benefits Committee meetings, as presented.

IN THE MATTER OF CIB

Receipt was acknowledged of an email from Dianna Lynch requesting the re-appointment Brenda Myers of Hamilton County to the CIB. (Capital Improvements Board). There was discussion that Ms. Myers had been an excellent representative from our area. Commissioner Gentry moved to reappoint Brenda Myers as our area representative to the CIB. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF FINANCIAL PROPOSAL - FSG

Mike Graham presented a Proposal for Professional Services for 2014 with the scope of service and with a “not to exceed” amount of \$25,000 from Greg Guerrettaz, Financial Solutions Group (FSG). He stated this proposal was the same as the 2013 proposal with FSG. Commissioner Gentry moved to approve the 2014 proposal for Professional Services with Greg Guerrettaz, FSG, as presented, with the “not to exceed” of \$25,000 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 SOIL AND WATER ANNUAL MEETING

Jeff Healy, Soil and Water Board Member, Announced the annual meeting of the Soil and Water Department would be a luncheon this year at 11:45 AM on Tuesday, February 11, 2014 at the Hendricks County 4-H Fair and Conference Complex and invited the Commissioners to attend.

IN THE MATTER OF CORRESPONDENCE

Commissioner Palmer acknowledged receipt of the following:

Correspondence:

- 1. IDEM Notice of Public Comment for Notice of 30-Day Period for Public Comment relative to Meritor Heavy Vehicle Systems, LLC in Hendricks County.
- 2. Notice from IDEM Office of Water Quality Facility Construction Section stating they received a sanitary sewer permit application on December 19, 2013 from Beazer Homes, Indiana.

Action needed/taken on the following:

- 1. Checks received and signed to the county: \$ 1,439.95 One Beacon–Sheriff Vehicle
- 2. Commissioner Palmer signed vehicle titles for the following: None
- 3. Documents needing action: None

IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for December 14, 2013 to January 10, 2014 from James McBryant, Cypress Manor Director.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for December 20, 2013 through January 10, 2014 from Ron Love, Human Resources Director.

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

Phyllis A. Palmer, President

Bob Gentry, Vice President

Matthew D. Whetstone, Member

ATTEST: Judith Wyeth, Deputy Auditor