

May 26, 2015

The Hendricks County Board of Commissioners met in regular session at 9:12 AM on Tuesday, May 26, 2015 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
Nancy Marsh		Hendricks County Treasurer
David Gaston		Hendricks County Surveyor
Brett Clark		Hendricks County Sheriff
Don Reitz		Hendricks County Planning Director
Curt Higginbotham		Hendricks County Highway Superintendent
Jim Andrews		Hendricks County Assistant Engineer
James McBryant		Director Cypress Manor
Douglas Morris		Hendricks County Systems Manager
Jim Mardis		Hendricks County Clean Water Director
Tammy Brinkman		Hendricks County Director Nursing
Julie Hahn		Hendricks County Director Environmental Health
Erin McIntyre		Hendricks County Human Resources Administrator
Nicole Lawson		Hendricks County Deputy Assessor
Judith Wyeth		Secretary to the Commissioners

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

IN THE MATTER OF MINUTES

Commissioner Whetstone moved to approve the minutes of the May 12, 2015 meeting, as corrected.

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

IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Claim # 10816 thru 108143, Direct Deposit #128294 thru 128737 and all claims presented May 1, 2015 and ending May 27, 2015, subject to further review. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2015-17
ZA 434/15: PRESTWICK PARTNERS OF AVON

Don Reitz presented ZA 434/15: Prestwick Partners of Avon, LLC, a zoning amendment change from PB/Planned Business District to GB/General Business District for 1.9 acres in Washington Township, located in the northwest corner of US Highway 36 and CR 525 E, more commonly known as 5250 East US Highway 36. He stated the Plan Commission held a public hearing for this request on May 12, 2015 and sends this zoning request with a Favorable recommendation of 6-0-0. Commissioner Palmer moved to approve ZA 434/15: Prestwick Partners of Avon, as recommended by the Plan Commission, as Ordinance No. 2015-17. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ORDINANCE NO. 2015-18
ZA 435/15: CAL-CAIT, LLC

Don Reitz presented ZA 435/15: Cal-CAIT, LLC, a zoning amendment change from RB/Single Family Residential District to LI/Light Industrial District for 3.38 acres in Guilford Township, located on the west side of CR 82E, 0.09 miles south of State Road 267, more commonly known as 8109 Network Drive. He noted the Plan Commission held a public hearing on May 12, 2015 and sends this zoning request with a Favorable recommendation of 6-0-0. Mr. Reitz reported there were remonstrators at this public hearing and addressed their

concerns. There was discussion of the location of this property. Commissioner Whetstone moved to approve ZA 435/15: Cal-CAIT, LLC, as recommended by the Plan Commission, as Ordinance No. 2015-18. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF LINK 5311 TRANSPORTATION GRANT

Pat Cockrum, Executive Director Sycamore Services, presented the 2015 annual Federal Section 5311 Rural and Small Urban Transit Assistance Grant for LINK Transportation. He explained this grant is for Link Hendricks/Morgan Counties of federal funding in the amount of \$714,000 and State funding in the amount of \$300,000 with a local match of \$400,000. Mr. Cockrum stated they plan to replace two vehicles with two new vehicles that are wheelchair and handicap accessibility. Commissioner Whetstone moved to approve the 2015 Federal 5311 Transportation Grant for Link, as presented, as Contract 0023-14. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CYPRESS MANOR

James McBryant presented the 2015 renewal Indiana Family & Social Services Administration (FSSA) Professional Services Contract EDS Number: A345-6-32-16-29-1579 for Cypress Manor. He explained this contract is the same as previous years except the time frame has changed. Mr. McBryant stated Greg Steuerwald has reviewed this contract. Commissioner Whetstone moved to approve the Indiana Family & Social Services Administration (FSSA) Professional Services Contract, as presented, as Contract #0024-15. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF WORLD WIDE WEB CONTENT POLICY

Doug Morris presented the draft World Wide Web Content Policy and explained he would like for the Commissioners to review this policy. He gave a time frame to approve on June 23, 2015 and launch on July 5, 2015. There was discussion of the proposed policy. The Commissioners requested this draft policy be sent to department heads and elected officials for their input and comment. It was the consensus of the Commissioners to review the draft World Wide Web Content Policy and bring back for further consideration.

IN THE MATTER OF NARROW NETWORK AGREEMENT

Erin McIntyre explained the Narrow Network Agreement to establish Hendricks Regional Health (HRH) as our preferred provider for health care services from Hendricks Regional Health (HRH) in lieu of other health care providers. She explained the benefits to the employees and the savings to the County for this partnership and stated Greg Steuerwald has reviewed this agreement. There was discussion of this agreement with HRH. Commissioner Whetstone moved to approve the Narrow Network Agreement with Hendricks Regional Health, as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BANK LOAN AGREEMENT

Treasurer Nancy Marsh presented the Bank Loan Process and requested to advertise for bids from financial institutions for the sum of \$2,000,000 for infrastructure improvements for the E911 Communications Center, for the second phase for the tower to be located at Belleville, which is a Public Works Project. She explained there is a large savings in fees when borrowing from a local bank from fees charged by a bonding company. Greg Steuerwald advised it is required to be in the minutes that we are serving public notice to incur debt and to

advertise for bids for a loan of \$2,000,000 for this public works project. Commissioner Whetstone further explained the fees incurred when borrowing from a bank would be lower than fees charged by bonding companies and would be a savings for Hendricks County. Commissioner Palmer moved to include in the minutes that we are serving public notice to incur debt and to advertise for bids for a loan of \$2,000,000 for the public works project of the second phase of the Communications Center project to build a tower in Belleville and to tie in with a microwave loop to Danville, Brownsburg, Belleville and Plainfield integrating into the State’s radio system. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ROAD PAVING LIST

Buddy Bernhardt, 7976 Mallard Landing, Indianapolis, referenced a petition he presented on March 10, 2015 with the signatures of over 60 residents in the Mallard Crossing development in Brown Township. He acknowledged several of his neighbors present this morning and explained the roads in Mallard Crossing were in dire need of repair and expressed his disappointment that Mallard Crossing was not on the list of roads for repair this year. Curt Higginbotham explained their evaluation rating scale for all 779 miles of roads in Hendricks County and look at the funds available for this repair. They reviewed the roads listed and stated these roads are the ones most in need of repair and with the most traffic and they were selected in the interest of public safety. Mr. Higginbotham explained any adjustments to this list would result in some roads being added and then some replaced as they only had limited funds and unfortunately there are roads in worse shape and with a heavier traffic count than those in the Mallard Crossing Subdivision.

Ann Bernhardt, 7976 Mallard Landing, Indianapolis, stressed the need to repair the roads in Mallard Crossing.

Jim Andrews reported at the request of the Commissioners last week they have looked at costs for paving the three subdivisions that were not on the preliminary list that was presented at the May 12, 2015 meeting. The estimates are:

Mallard Crossing	\$ 94,172
Pleasant View	\$119,079
Crystal Springs	\$128,860

He explained based on their relative condition rating listing of all of our subdivisions Mallard Crossing and Pleasant Vue are both in the top 5 needing improvement, however, Crystal Springs is not. He inquired if the Commissioners wish to change the list and add Mallard Crossing and Pleasant Vue, that will require taking off an equivalent \$220,000 worth of work from the list of roads that was presented at the last meeting and Highway Superintendent, Curt Higginbotham, will have recommendations on what should be removed. There was discussion of the roads and of the paving time frame they had that is due to weather. It was the consensus of the Commissioners to not alter the list presented for road repair and to check at the end of the year if there were any funds remaining that could be used to pave additional roads.

IN THE MATTER OF ON - CALL RIGHT-OF-WAY SERVICES

Jim Andrews reported Beam, Longest & Neff (BLN) has presented an agreement for On-Call Right of Way

Services for execution. He advised he has sent a copy to Greg Steuerwald for his review and noted the unit prices per activity are consistent with our previous contract with Associated Right-of-Way Services. Mr. Andrews presented a Contract for Engineering Services with Beam, Longest and Neff, Consulting Engineers, for As Needed Right-of-Way Services. There was discussion of these services. Commissioner Whetstone moved to approve the Agreement with Beam, Longest & Neff for On-Call Right-of-Way Services, as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF LEDGEWOOD, LAKEWOOD & ELKWOOD

Danny Tindell, 1334 North CR 475 E, Avon, came in as a “Wishes” to discuss drainage problems in the Ledgewood, Elkwood and Lakewood Subdivisions. He presented a Water and Drainage Petition regarding the concerns of Hendricks County homeowners residing in Elkwood and Ledgewood Subdivisions, located south of CR 150N and north of Lucas Lane on CR 475 E. Jim Andrews reported the County Highway has recently re-graded the side ditch, they have replaced drive pipes along the west side of a section of CR 475E and replaced a cross pipe, Mr. Andrews stated the County Surveyor is getting ready to improve part of the legal drain within Ledgewood that the roadside ditches drain to. He explained that everything goes to a pond and is very dependent on the water level in the pond. The water in the ditches on CR 475E tends to dissipate within three days, which is not ideal, but not as bad as some places. He further reported the entire area is very flat, does not drain well and without drastic changes to the pond that is not likely to change.

The following residents voiced their concerns on drainage issues in their neighborhood and how their homes were impacted:

- Joan Scherer, 1292 N CR 475E
- Doris Pellon, 1233 N CR 474E
- Karen Richard, 1269 N CR 475E
- Earl Hill, 1411 N CR 475

Surveyor David Gaston addressed their concerns and requested that these residents meet with him in his office with the Assistant County Engineer and Highway Superintendent joining them to discuss resolving the drainage issues in their neighborhood.

IN THE MATTER OF RONALD REAGAN PARKWAY

Jim Andrews reported the letter to Brownsburg regarding access to the Ronald Reagan Parkway has been written and requested approval and execution. The letter stated the guidelines for the Ronald Reagan Parkway Master Plan as well as the terms of the Parkway right-of-way purchase limits the number of access points allowed between the interchange and 56th Street. It was the consensus of the Commissioners to sign the letter to Grant Kleinhertz, Town Manager, for the Town of Brownsburg, relative to the number of access points allowed on the Ronald Reagan Parkway.

IN THE MATTER OF VANDALIA BOULEVARD AND CR 500E

Jim Andrews reported in response to the Commissioners request to notify residents on CR 500E on proposed changes of closing CR 500E they have sent out 30 letters through certified mail to residents on CR 500E from the proposed development to CR 350S. He stated pending on comments received he recommended approval of the

Interlocal Agreement with the Town of Plainfield for Local Agreement for Construction of Vandalia Boulevard in Cooperation with Pulte Homes of Indiana, LLC. Commissioner Whetstone moved to approve the Interlocal Agreement with the Town of Plainfield for Local Agreement for Construction of Vandalia Boulevard in Cooperation with Pulte Homes of Indiana including the closing of CR 500E. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGE NO. 53

Jim Andrews acknowledged Bridge No. 53, located on CR 100N, is progressing on schedule and the beams were set last Friday, May 23, 3015.

IN THE MATTER OF BRIDGE NO. 113

Jim Andrews announced Bridge No. 113, located on CR 450W, is now complete and the County’s final cost underran by \$15,720.22 or 5%.

IN THE MATTER OF BRIDGE NO. 272

Jim Andrews gave an update on Bridge No. 272, located on CR 550W, and stated that work is progressing. Piles are in and construction of the mechanically stabilized earth retaining walls, has started.

IN THE MATTER OF HIGHWAY

Jim Andrews reported Highway Superintendent Curt Higginbotham has solicited quotes from several contractors to do some spot curb and sidewalk repairs and recommended awarding the work to the low bidder, Mink Excavating, in the amount of \$15,445. Curt Higginbotham explained these repairs will be at various locations in the county, mostly in subdivisions, and that funding for this project is in their 2015 budget. Commissioner Palmer moved to approve Mink Excavating to do the proposed curb and sidewalk repairs in the amount of \$15,445, as the lowest most responsive and responsible quote received. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CR 300 S - PLAINFIELD AGREEMENT

Jim Andrews reported the Engineering Department has turned in a request to Council for an additional appropriation from EDIT in the amount of \$115,000 for the County’s share for Plainfield’s project of reconstruction of CR 300 South, along Township Line Road from Dan Jones west to Plainfield’s town limits, per the Interlocal Agreement with Plainfield that was signed by the Commissioners on April 28, 2015.

IN THE MATTER OF NETWORK DRIVE - JDH

Jim Andrews referenced a discussion at the May 12, 2015 meeting relative to a request by JDH to have Duke Energy place street lights in the right-of-way on Network Drive if they would pay for the poles and the electricity. He responded to the Commissioners inquiry about liability and stated Duke Energy has confirmed that they are liable for the poles. There was discussion of this request. It was the consensus of the Commissioners that they need additional information on the location of the poles, right to remove the poles, etc.

IN THE MATTER OF CLERMONT HEIGHTS

Jim Andrews stated a resident of Clermont Heights is in attendance today to discuss drainage issues. He explained she has a problem in her drive with a pipe that drains the street. It has opened up to a suckhole in her driveway and should be repaired. He advised we can repair the pipe but the real problem is with the entire

neighborhood’s drainage through an easement behind the houses. Over the years it has apparently filled in and does not function effectively. He noted this is not a legal drain. Mr. Andrews further advised it needs to be studied to determine what extent of repairs are needed to restore it. He acknowledged that the surveyor and he have discussed this before as this is one of the many areas we have that need drainage improvements, but there is no mechanism for funding.

Sandy Berry 4314 Clifford Road, Brownsburg, explained she had standing water in her yard due to a collapsed pipe and that the drain is not a legal drain.

Jim Andrews presented a map indicating the property, ditch,, curb drains and explained the history of this property and of Clermont Heights drainage issues.

Curt Higginbotham explained the need to repair drainage and remove a possible obstruction in the back of the property in order to resolve the drainage in the front.

There was discussion of drainage issues in Clermont Heights. It was the consensus of the Commissioners to table the drainage issues in Clermont Heights and refer this issue to the County Surveyor and County Engineer to further evaluate the drainage issues associated with Ms. Berry’s property.

IN THE MATTER OF SR 75

Jim Andrews announced INDOT has had to close SR 75 south of Jamestown, between North Salem and Jamestown, for emergency repairs and explained they need to do an unofficial local detour using CR 1025N / CR 700W and CR 900N. He presented the May 8, 2015 Letter of Understanding for Unofficial Local Detour for SR 75 Emergency Repairs and advised they began construction in April 2015. Commissioner Whetstone moved to approve the Letter of Understanding for Unofficial Local Detour for SR 75 Emergency Repairs. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF MALONEY ROAD – POLE POLICY

Commissioner Whetstone reported some more poles contained within the 400 feet frontage for an upcoming project on Maloney Road in Brown Township and stated he will check with Planning Director, Don Reitz, on the proposed pole policy recently discussed with Duke Energy. He will forward pictures for further discussion.

IN THE MATTER OF TRANSFER LETTER

Receipt was acknowledged of a transfer letter in the amount of \$5,000 from 1001-32600-000-135 Telephone to 1001-35600-000-135 Liability, for unexpected liability legal expenses. Commissioner Whetstone moved to approve the transfer letter, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CORRESPONDENCE

Commissioner Gentry acknowledged receipt of the following:

Correspondence:

1. Letter of May 7, 2015 serving as notice that the Indiana Department of Environmental Management (IDEM), Office of Water Quality, Facility Construction Section has received a sanitary sewer permit application on May , 2015 from Mr. Kennety R. Brasseur High Grove Capital Partners, C/O Platinum Properties Management Company, as required by IC 13-15-3-1. If approved by IDEM the permit would allow the applicant to construct a sanitary sewer for Hession Fields, Section 4B in Brownsburg, Indiana.

- 2. Indiana Department of Natural Resources (DNR) letter of May 6, 2015 particular information regarding the biennial inspection report on the Danville Conservation Club Dam including the list of inspections, testing and reports and advising the engineer rated the overall condition of the dam as, “Satisfactory”.
- 3. Notice of 90 Day Period for Public Comment from the Indiana Department of Environmental Management (IDEM) advising they received an application from Harlan Bakeries located at 7597 E US Hwy 36, Avon, IN, for a new source review and renewal of its FESOP, issued on February 12, 2010. If approved by the IDEM Office of Air Quality (OAQ), this proposed modification would allow Harlan Bakeries to make certain changes at its existing source. Harlan Bakeries has applied to incorporate existing proof boxes associated with the bakery product production lines into the permit.
- 4. May 12, 2015 letter from IDEM advising the application, plans and specification, and supporting documents a sanitary sewer for Rosemont at Wynn Farms, section 2, have been reviewed and processed in accordance with rules adopted under 327 IAC 3. They enclosed the Construction Permit (Approval No. 21460), which applies to the construction of this proposed sanitary sewer system to be located on the north side of Northfield Drive, just west of the intersection with Killians Pass in Brownsburg, Indiana.
- 5. Cummins Behavioral Health Systems Board of Directors meeting announcement for Thursday, May 28, 2015.
- 6. May 15, 2015 letter from IDEM stating the application plans and specifications and supporting documents for the Branches, Section 4, have been reviewed and processed in accordance with rules adopted under 327 IAC 3. They enclosed the Construction Permit (Approval No. 21455), which applies to the construction of the Branches, Section 4, proposed sanitary sewer system to be located at the south side of CR 700 North, approximately 700 feet east of CR 1000 East.
- 7. Notice of 30 day period for public comment from IDEM advising the Indiana Department of Environmental Management for preliminary findings regarding a significant revision to a Federally Enforceable State Operating Permit (FESOP) for Electronic Recyclers Int’l Inc. in Hendricks County, located at 2540 Airwest Blvd in Plainfield, Indiana. A copy of the permit application and IDEM’s preliminary findings are available at the Plainfield Public Library, 1120 Stafford Road, Plainfield, IN.
- 8. Notice of Public Hearing by the Plainfield Plan Commission in the Plainfield Municipal Building at 206 W. Main Street, Plainfield, on Thursday, June 4, 2015 at 7 PM on a Petition requesting a primary plat to subdivide 7.63 acres into 2 commercial lots, located at 3061 E. Main Street, Plainfield, IN for owner Giant Eagle, 201 Kappa Avenue, Pittsburgh, PA 45348.

Action needed/taken on the following:

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| 1. Checks received and signed to the county: | \$5,402.19 Comcast Franchise Fees
\$ 220.73 New Wave Franchise Fees
\$ 43.23 New Wave Franchise Fees |
| 2. Commissioner Gentry\ 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 April 19 to May 15, 2015 from James McBryant, Cypress Manor Director.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for May 11 thru May 22, 2015 along with a packet of information on the Elect RX Drug Benefits Program from Erin McIntyre, Human Resources Administrator.

IN THE MATTER OF PLANNING

Receipt was acknowledged of the monthly Planning and Building Report of Collections for May 7, 2015 from Don Reitz, Planning Director.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 11:20 AM. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Bob Gentry, President

Phyllis A. Palmer, Vice President

Matthew D. Whetstone, Member

ATTEST: _____
Judith Wyeth, Deputy Auditor
