

May 29, 2001

The Hendricks County Board of Commissioners met in regular session with a quorum of two Commissioners at 6:30 PM in the Commissioners’ Meeting Room on the first floor of the Hendricks County Government Center with the following in attendance:

Steven L. Ostermeier)	Hendricks County Board of Commissioners
Linda Palmer)	
Gregory E. Steuerwald	Hendricks County Attorney
Nancy L. Marsh	Hendricks County Auditor
Judith Wyeth	Secretary to the Commissioners

NOTE: Commissioner Clampitt did not attend tonight’s meeting due to conflict with his work schedule.

Commissioner Ostermeier opened the meeting by leading the Pledge to the Flag. Greg Steuerwald said a brief prayer for those who wished to participate.

IN THE MATTER OF BELLEVILLE CONSERVANCY – GRANT

Commissioner Ostermeier opened the public hearing for the Belleville Conservancy grant at 6:35 PM. Mark Downey of Commonwealth Engineers presented the request on behalf of the Belleville Conservancy District to apply to the Indiana Department of Commerce for a grant from the Department’s Community Planning Grant program of the State Community Development Block Grant (CDBG) program and that this program is funded by Title 1 of the Federal Housing and Community Development Act of 1974, as amended. These funds are to be used for a community development project that will include the following activities: the completion of a preliminary engineering study that will analyze the condition of the current facilities and make improvement recommendations for future growth and development within the district’s service area. The total amount requested is \$40,000, and the Belleville Conservancy District also proposes to expend an estimated \$4,000 in non-CDBG funds on this project that will be derived from their existing operating account. The legal advertising was presented for this public hearing and it was stated that no county funds would be included. There was no public comment. Commissioner Ostermeier closed the public hearing at 6:40 PM. Commissioner Palmer moved to make a motion that the Hendricks County Commissioners execute the grant for Belleville Conservancy and that no County funds will be included in this project. Commissioner Ostermeier seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF TIMBER BRIDGE PRESENTATION

Bill Solomon was not present to make presentation for Timber Bridge.

IN THE MATTER OF BROWNSBURG PLANNING

Mark White, Town Manager for Town of Brownsburg, stated that he had provided a formal written Interlocal Agreement for zoning in Brown/Lincoln Townships and requested a workshop with three Town Council members, Plan Commission and Attorneys. There was discussion of meeting with the new Plan Commission Director, Terry Jones. Greg Steuerwald stated that he would like to attend the meeting/workshops with the Plan Commission Director Terry Jones, Brownsburg Town Attorney Mark O’Hare and Brownsburg Town Manager Mark White relative to the State Statute. There was discussion of options, concerns and of the experience of Terry Jones that will help with the workshop/meetings. Commissioner Ostermeier expressed concerns that the Brownsburg Town Council

would appoint the plan commission members and that Brown Township would have no input.

Bob Waggner, Brownsburg Town Council, stated he wanted Brownsburg to have more say in developments.

Ken Roe, Brownsburg, stated he wants the Plan Commission to listen to comments.

Greg Steuerwald stated we need to move quickly, but don't be in a hurry.

IN THE MATTER OF ANIMAL SHELTER – HUMANE SOCIETY

Merrily Nilles advised that the Humane Society has 300 members and requested the Commissioners to appoint a Task Force for the new animal shelter. Commissioner Palmer stated that building a new animal shelter is a high priority and explained the master plan including location. There was discussion of the task force serving only in an advisory capacity. Commissioners Ostermeier and Palmer both stated that they had visited neighboring animal shelters to learn about design and structure. Ms. Nilles stated the Humane Society protects animals from people while the animal shelter protects people from animals.

Sharon Tyler, Animal Shelter employee, stated that the shelter also protects animals.

There was discussion of public input by forwarding all information relative to shelters, structures, and names of engineers and architects with previous animal shelter experience, however, the Commissioners stated they want to remain in control of the project.

Dr. Willis Parker requested the Commissioners to set an upper range of funds to be spent for the proposed Animal Shelter and of funds available.

Lori Siebert requested to let the Advisory Task Force do the legwork and research for the shelter and bring information back to the Commissioners.

Marty Pagac stressed the value of the knowledge of the members of the Humane Society.

Carolyn Slaughter clarified that the Commissioners have the animal shelter as a top priority.

Peter Battistine requested a show of hands of those present that were members of the Humane Society. Several citizens raised their hand.

There was discussion of the County services provided to animals from neighboring counties as some of their needs were carried over to Hendricks County and of using public input to build the best animal shelter that Hendricks County can afford. Commissioner Ostermeier requested Ms. Nilles to bring recommendation to the Commissioners Meeting and that Animal Control discussion be added to the June 4, Commissioners' Meeting Agenda.

IN THE MATTER OF APPOINTMENT OF COUNTY ENGINEER

Greg Steuerwald presented an approved contract for the position of County Engineer. Commissioner Palmer moved to accept and execute the contract for engineering services between John E. Ayers and Hendricks County effective this date, May 29, with a starting day of June 11, 2001. Commissioner Ostermeier seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve claims #208953 thru 208956 and #208963 thru 209274. Commissioner

Ostermeier seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF EMERGENCY MANAGEMENT – SPILLS

Jim Adams of Emergency Management presented a report of Run #05-17-01 on May 17, 2001, at Heartland Crossing to assist in recovering a small dog that had fallen into a hold 10-12 inches in diameter that had been dug by a company boring holes for soil samples. The company was contacted and the open holes were filled.

Jim Adams reported a CSX Chemical Spill on May 18, 2001, at the CSX yard in Washington Township, which was resolved by Heritage Recovery, Avon Fire, Brownsburg Fire, Plainfield Fire, Danville Fire, Indianapolis Fire, Hendricks County Sheriff Department, IDEM and CSX Safety.

Jim Adams further advised that there had been two emergency runs this past weekend and that reports of these would be forthcoming.

IN THE MATTER OF COURTS

Receipt was acknowledged of a letter of May 25 from Circuit Court Judge J. V. Boles, a letter of May 24, from Superior Court No. 2 Judge David H. Coleman and a letter of May 23 from Superior Court No. 1 Judge Robert W. Freese all stating that each of their respective courts would be open and in session for a full schedule on June 11 and that the article in the Hendricks County Flyer was incorrect.

IN THE MATTER OF TELEPHONES

Receipt was acknowledged of a letter of May 23 from, Judge Robert W. Freese, Superior Court No. 1, requesting the Commissioners to fund the upgrade of phones for Superior Court No. 1 in the amount of \$1,782.56. It was the consensus of the Commissions to follow the same procedure stated when the new phone system was implemented that any and all telephone up-grades must come from the department budget.

IN THE MATTER OF INTERLOCAL ASSOCIATION APPOINTMENTS

Receipt was acknowledged of a memorandum from Lance D. Ratliff requesting joint appointment to Workforce Investment Board with nominees of: Steven Gardner, Owner, Nettek Microcenter, Shelbyville; Marcelo de Arruda, Team Coordinator, Technomasaic, LLC, Flat Rock; and Casper Alessi, AFL-CIO National Representative, Indianapolis. Commissioner Palmer moved to vote yes for these three appointees, Steven Gardner, Marcelo de Arruda and Casper Alessi and for the President to execute the appointments and return to Mr. Ratliff. Commissioner Ostermeier seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF USE OF COUNTY VEHICLES TO TRANSPORT NON-EMPLOYEES

Receipt was acknowledged of correspondence from Rich Jensen of Stevenson Jensen Insurance relative to use of County equipment for transporting non-employees in response to a request from Gary Emsweller, 4-H Coordinator. Mr. Jensen stated:

*This is in reference to the liability exposure of individuals using equipment owned by the Commissioners/County, but are not employees of the County.
Individuals using the equipment, which is owned by the Commissioners/County and are not County employees would jeopardize the coverage for the Commissioners/ County as this use would not be for county business*

Bliss-McKnight with General Underwriting Concerns Associated with Passengers in Local Public Entity Autos states:

- 1. The likelihood that a passenger may be, or may claimed to have been a distraction to the driver, resulting in inattention to driving or other duties, which caused a loss to others.**
 - 2. The likelihood that because a passenger was present, the driver altered his actions or was prevented from acting in a particular manner, which caused, or may be held to have caused, a loss to others.**
 - 3. The responsibility under law, of the owner/driver for injury to a passenger, or to the property of a passenger.**
 - 4. The responsibility, under law, of the owner /driver for injury to or loss of personal property of a passenger.**
 - 5. The increased level of care owed a passenger if the operation of the vehicle may be reasonably expected to have a higher than normal degree of risk.**
 - 6. The potential for human (as opposed to economic) suffering and loss resulting from injury to passengers or others.**
 - 7. The potential for assessment by the courts of punitive or exemplary damages, which are generally not insurable as a matter of law.**
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It was the consensus of the Commissioners to accept the insurance carrier recommendations and forward a copy to Gary Emsweller.

IN THE MATTER OF COUNTY CEMETERIES

Receipt was acknowledged of letter of May 7, 2001, with a questionnaire and state laws from the Department of Natural Resources (DNR) inquiring of a County Cemetery Board in Hendricks County relative to care of Cemeteries. It was the consensus of the Commissioners to complete the form and return to the Cemetery Registry Coordinator in Indianapolis that Hendricks County does not have a County Cemetery Board.

IN THE MATTER OF BOONE COUNTY JUVENILE DETENTION CENTER

Receipt was acknowledged of letter from Roger S. Curry, K. L. Presnell Companies, advising the initial Advisory Board Meeting for the Positive Impact Juvenile Detention Center will meet at 6:30 PM on Wednesday, June 6, 2001, in the Boone County Court House. It was the consensus of the Commissioners to send a letter that Commissioner Ostermeier plans to attend this meeting and to send a copy of the meeting notice to Larry Hesson, President of the County Council.

IN THE MATTER OF LITIGATION

Receipt was acknowledged of a litigation request from Terry J. Jones for zoning violation of Pittsboro resident.

IN THE MATTER OF HOOSIER HEARTLAND – APPOINTMENT

Commissioner Ostermeier requested that the named individuals be contacted relative to appointment to the Hoosier Heartland RC&D and report back at the June 4, 2001, meeting.

IN THE MATTER OF EMPLOYEE HEALTH INSURANCE – EXCEPTION

Receipt was acknowledged from a County employee relative to the need of a home air-purifier for her allergies that she is exposed to at home and in the workplace, and stating that this is not covered by the employee health insurance, Nyhart, and requesting the Commissioners assistance. It was the consensus of the Commissioners to take the request under advisement.

IN THE MATTER OF PROCLAMATION - RELAY FOR LIFE

Receipt was acknowledged of a request for a proclamation recognizing the first week in June for Relay For Life

and requesting that Commissioner Palmer read the proclamation at the June 9 program. It was the consensus of the

Commissioners to add this request to the June 4, agenda.

IN THE MATTER OF CITIZEN ADVISORY BOARDS

Dan Derrick inquired if a citizen advisory board is not agreeable to the Commissioners for the animal shelter if a computer citizen advisor board would be considered. The Commissioners advised that no decision had been made on this matter.

IN THE MATTER OF ZONING ORDINANCE

Ken Roe, Brownsburg citizen, thanked the Commissioners for conducting night meetings. Mr. Roe stated that the new zoning ordinance does not address growth management and requested to have growth management ordinances prior to approval of the zoning ordinance. There was discussion to take this matter under consideration with the new Plan Commission Director as there may be need for a separate growth ordinance.

There being no further business Commissions Palmer moved to recess the meeting at 8:10 PM. Commissioner Ostermeier seconded the motion and the motion was approved unanimously 2-0-0,

Steven L. Ostermeier, President

Linda Palmer, Vice President

ATTEST: _____
Judith Wyeth, Deputy Auditor

John D. Clampitt

