HAMILTON COUNTY BOARD OF COMMISSIONERS
JUNE 14, 2004

The Hamilton County Board of Commissioners met on Monday, June 15, 2004 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A from 1:10 p.m. to 1:20 p.m. Vice President Altman called the public meeting to order at 1:45 p.m. and declared a quorum present of Commissioner Steven A. Holt and Commissioner Christine Altman. Commissioner Dillinger was absent. The Pledge of Allegiance was recited.

Approval of Minutes and Executive Session Memoranda:

Holt motioned to approve the May 24, May 28, 2004 Minutes and the June 14, 2004 Executive Session Memoranda. Altman seconded. Motion carried unanimously. Holt motioned to approve the May 24, 2004 Executive Session Memoranda. Altman seconded. Motion carried unanimously.

Plat Approvals [1:50:01]

Barrington Estates Replat Lot 2, Section 1:

Intracoastal at Geist, Sections 2B & 4A:

Reserve at Geist, Phase One:

Mr. Steve Broermann recommended approval of the following plats: Barrington Estates Replat of Lot 2, Section 1, Intracoastal at Geist, Sections 2B & 4A and The Reserve at Geist, Phase One. Holt motioned to approve. Altman seconded. Altman asked if the Barrington Estates sewer issue has been resolved? Mr. Howard stated yes. The mediated agreement has been signed. Motion carried unanimously.

Highway Business [1:51:50]

Open Road Cut Permits:

Mr. Jim Neal requested approval of Open Road Cut Permit: 1) RDCUT 2004-014 - Valenti-Held Contractor at 2672' west of Towne Road on 141st Street to install sanitary sewer. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Neal requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-93-0062 - American States Insurance Company Continuation Certificate for Bond No. EX864173 issued on behalf of Dotlich Contractors, Inc. in the sum of $25,000 to now expire June 10, 2005. 2) HCHD #B-99-0079 - Amco Insurance Company Continuation Certificate for Bond No. BDA0000431186 issued on behalf of A-1 Superior Excavating, Inc. in the sum of $25,000 to now expire August 16, 2005. 3) HCHD #B-02-0082 - Hartford Fire Insurance Company Continuation Certificate for Bond No. 36BSBBT8055 issued on behalf of Wills Excavating, Inc. in the sum of $25,000 to now expire July 31, 2005. 4) HCHD #B-04-0053 - Western Surety Company Maintenance Bond No. 929319114 issued on behalf of The Sullivan Corporation in the sum of $18,050 for commerce drive extension at West Carmel Center at the Retail Parkway & Commerce Drive intersection, to expire May 15, 2007. 5) HCHD #B-004-0054 - Fidelity and Deposit Company Performance Bond No. 8705174 issued on behalf of Calumet Asphalt Paving Co., Inc. in the sum of $405,004.93 for Resurface Contract 04-3, to expire May 26, 2005. 6) HCHD #B-04-0055 - Fidelity and Deposit Company Payment Bond No. 8705174 issued on behalf of Calumet Asphalt Paving, Inc. in the sum of $405,004.93 for Resurface Contract 04-3, to expire May 26, 2006. 7) HCHD #L04-0009 - First Merchants Bank Letter of Credit No. FMB-1398 issued on behalf of Macs Landing, LLC in the sum of $184,510 for paving at the Reserve at Geist Subdivision, to expire June 8, 2005. 8) HCHD #L-04-0010 - First Merchants Bank Letter of Credit No. FMB-1399 issued on behalf of Macs Landing, LLC in the sum of $15,000 for the Reserve at Geist Subdivision for signage, to expire June 8, 2005. 9) HCHD #L-04-0011 - First Merchants Bank Letter of Credit No. FMB-1400 issued on behalf of Macs Landing, LLC in the sum of $21,845 for Brooks Manor and Brooks Landing, Section 2 for the maintenance of streets, to expire June 8, 2005. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Agreements/Supplements [1:52:45]

Weston Pointe Subdivision Inspection Agreement:

Mr. Neal requested approval of the Subdivision Inspection Agreement, HCHD #A-04-0010, for Weston Pointe Subdivision, between Hamilton County and United Consulting Engineers (engineer) and Portrait Homes - Weston Pointe LLC (developer) in the amount of $8,900. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Bridge #182 Supplemental #1:

Mr. Neal requested approval of Supplemental Agreement #1 for Bridge #182, 131st Street over Sand Creek with USI Consultants, Inc. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence:

Mr. Neal requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County roads. 1) Stephen Cavanaugh regarding a water retention problem on 221st Street. Without the water being in the right of way, the highway department can not do anything, but we did give him some suggestions. 2) Jeff West regarding a three-way Stop at 99th Street and Holaday Drive. This intersection does not meet traffic warrants for a three-way Stop. Altman asked if this is within the Sheriff's jurisdiction or Carmel's? Sheriff Carter stated it is the county's. Altman asked the Sheriff to send a patrol to address the speeders on 106th Street. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Official Actions [1:56:16]

191st Street from Promise Road to S.R. 32:

Mr. Neal requested approval of the official action for No Passing Zones on 191st Street from Promise Road to S.R. 32. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Announcement

Bridge #56, 266th Street over Taylor Creek:

Mr. Neal announced that Bridge #56, 266th Street over Taylor Creek is closed, but is scheduled to open on June 22.

Joyce Road:

Holt stated he was told that Joyce Road, south of 241st Street has been closed due to a detention pond overflowing and washing out part of the road. Mr. Neal stated just north of the entrance to Deer Walk, there was a washout of half of the southbound lane. It appears there was such a huge rush of water that when trying to get through the pipe under the road it caused a vortex and washed out the road. We may have to investigate putting a larger pipe in

at that location. Mr. Neal stated he does not believe the pond overflowing was strictly the reason for the washout. In speaking with the residents they indicated the pond has been there since they have lived there, but they had possibly increased the amount of water that is going in to the pond with a field tile. The maintenance crews are working on it now.

Indianapolis MPO Applications:

Mr. Brad Davis updated the Commissioners on the application for federal aid from the Indianapolis MPO for several projects. Two of the projects were intersections at 96th Street and Towne Road and 104th Street and Olio Road, we had asked to amend their program to include them in their 2004 year. Mr. Davis received a call stating that they will not be able to accommodate Hamilton County in 2004 due to being severely over programmed. Mr. Deering's advice was to reapply for 2005 for those two locations. Altman asked if we went into 2005, it would not interfere with the concern that we get in to the program and then find local monies? Mr. Davis stated no, we would probably not have local monies in 2005.

Bid Openings [2:00:40]

Highway Equipment - Backhoe:

Mr. Mike Howard opened the bids for the Loader Backhoe. All bids included the Hamilton County Bid Form 06-03, Non-Collusion Affidavit, Bid Bond and Acknowledgment of Addendum (1) unless otherwise specified. 1) MacAllister Machinery - $60,000.00. 2) McDonald Machinery - $60,252.52. 3) Holt Equipment for #310SG - $57,500.00. 4) Holt Equipment for #410G - $60,900.00. 5) Southeastern Equipment - $56,500.00. Holt motioned to accept the bids and refer them to the Highway Department for review and recommendation at the next meeting. Altman seconded. Motion carried unanimously.

Highway Equipment - Tandem Axle Dump Truck:

Mr. Howard opened the bids for the Tandem Axle Dump Truck. All bids included the Hamilton County Bid Form 06-3, Non-Collusion Affidavit, Bid Bond and Acknowledgment of Addendum (1). 1) Indiana Truck Sales - $150,237.64. 2) Wabash Ford - $134,725.00. Holt motioned to accept the bids and refer them to the Highway Department for review and recommendation at the next meeting. Altman seconded. Motion carried unanimously.

Public Hearing

Sale and Exchange of Excess Real Estate:

Altman opened the public hearing for the Sale and Exchange of Excess Real Estate located at the intersection of 146th Street and S.R. 37. No public comments were made. Altman closed the Public Hearing.

Bid Opening

Excess Real Estate:

Mr. Howard opened the bid for the Sale of Excess Real Estate from RC East, LLC. The bid was in the amount of $100,000 with a cashiers check included in the amount of $5,000.00. Holt motioned to accept the bid and instructed Mr. Howard to prepare the closing paperwork for the next meeting. Altman seconded. Motion carried unanimously.

Attorney [2:12:17]

Alternative Service Concepts Contract:

Mr. Howard requested approval of the Alternative Service Concepts, LLC (ASC). Mr. Howard stated he had changed some language in the original ASC contract and the Commissioners signed it. ASC returned it with the changes and are requesting signatures again. Mr. Howard stated this is the same agreement as signed in the past. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Animal Control Interlocal Agreements:

Mr. Howard reported that the Animal Control Interlocal Agreement is on the City of Noblesville's City Council agenda for Tuesday. Mr. Howard has not heard from any of the other entities.

Fishers has added to their agreement that a resident may take the stray animal to the Sheriff's office to be turned over to the Animal Control Officer, if they are refused by the Humane Society. This would pertain to non-owner residents of Fishers. Altman asked if this is for strays? Mr. Booth stated yes. Altman stated our base contract with the Humane Society requires that they accept strays. Holt stated only if they are brought in by an Animal Control Officer. Sheriff Carter reviewed the agreement and stated an Animal Control Officer is not available 24/7. Mr. Booth stated if there is a way to hand the animal off to be able to keep from having our citizens from coming back to the shelter a second time. It may be that the animal may have to be housed a short time, it would take a deputy taking the animal to the Humane Society. Residents would not take the animal unless they were during the Humane Society's hours of operation. Holt stated he understands what you are attempting to do, shouldn't it say during Humane Society operating hours? We don't want the Sheriff to have to have an area for animals because someone from Fishers brought the animal at night. Mr. Howard stated the pre-requisite to the new language is "in the event the shelter refuses to accept" the theory being the shelter can not refuse to accept animals under the interlocal. Altman asked Mr. Howard to look at the Humane Society contract for this year, she thought we defined animals to include strays. Mr. Howard stated the definition of stray animal came out of the service agreement's definition of a stray animal. [2:20:59] Altman announced the Commissioners will be meeting with the Humane Society and the entities on July 12, 2004 at 4:30 p.m. Sheriff Carter reviewed Fishers Interlocal Agreement and he is comfortable with the changes. Mr. Booth requested if the Commissioners wish to approve the agreement he will bring the original agreement once the Fisher's Clerk-Treasurer has attested the document. Holt motioned to accept the revision to the agreement and the agreement as amended. Altman seconded. Motion carried unanimously.

Metropolitan Airport Letter of Support:

Mr. Howard stated he has reviewed the letter from Fishers stating that if the relocation of Metropolitan occurs that the county will consider an application to rezone the land owned by the Indianapolis Airport Authority but also to consider a petition that protects the airport zone of 200' radius. Holt motioned to approve the letter of support for the Town of Fishers to Lacy Johnson with the Indianapolis Airport Authority. Altman seconded. Altman asked if we should hold it until Commissioner Dillinger is available to sign it? Mr. Booth stated he would prefer all three Commissioners sign the letter. Holt suggested executing the letter and then Mr. Swift can get Dillinger's signature when he returns. Motion carried unanimously.

Incomeworks Software License Agreement: [2:25:39]

Ms. Debbie Folkerts requested approval of an agreement with Incomeworks for software to do income analysis on commercial property reassessments. This company is the only software company providing this service. The township assessors and she have seen a demonstration of the software and they are in favor of purchasing the software. Ms. Folkerts stated she has the funds available out of the Sales Disclosures. Mr. Howard has reviewed the contract. It is a one time payment of $35,000 with a yearly maintenance fee of $6,000. Altman asked if we can use the software with all the assessing in the county? Ms. Folkerts stated yes. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Ordinance 6/14/04-A, Submittal of Digital Plans:

Holt motioned to table Ordinance 6/14/04-A, Submittal of Digital Plans to the Transfer and Mapping Department. Altman seconded. Motion carried unanimously.

Geodetic Control GPS Base Station: [2:28:19]

Mr. Jeff Powell stated the Surveyor is proposing installing a base reference station on the roof of the Judicial Center which will give us centimeter accuracy surveying by using a rover. This can be used by any department for real time accuracy of locating within centimeter accuracy if they have the appropriate receivers at the other end. Mr. Powell requested approval to place the antenna on top of the Judicial Center. We have run tests and all the data looks good. The funding is from the Surveyor's Section Corner Perpetuation Fund. The Highway Department can use this system to guide trucks during blizzard and white out conditions. Altman asked what is the cost of the receiver? Mr. Powell stated for a dual frequency receiver it costs between $10,000 to $15,000. In order to use the receiver you must have one-way communication to get the corrections from the base station. Altman asked how many receivers are you anticipating buying with this system? Mr. Powell stated one base station at the judicial center and two rovers to meet the Surveyor's needs at this time. There are also GIS applications that this could be used for. The GIS receivers are a single frequency receiver and they are not as accurate. Other municipalities in the area could access this antenna. There is a range of 24 miles. Altman stated she sees this as a resource for EMA, is the location of the receivers accessible if there is a problem that we would need to use a unit for one of the EMA trucks and for an emergency vehicle? Mr. Powell stated the actual base station will be housed on the Judicial Center, everything will be networked and we have worked with ISSD on how that would work. Anybody that would want to utilize it has to know the IP address to access it. Holt asked if anybody can access it, what is the purpose of the rover? Mr. Powell stated you have to have the rover at the other end to get the corrections and know where you are at. Holt asked if the rover will be portable? Mr. Powell stated yes. Altman asked that once it is up and running she would like a demonstration at an EMA meeting. Altman asked if this would subject the Judicial Center to any lighting strikes? Mr. Powell stated no, it will be 18" above the penthouse. The cooling towers are higher than that. We will install a surge protector in our lines in case there is a lighting hit. We have worked with Buildings and Grounds and they are ok with the proposal. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Manatron Drain Module Agreement:

Ms. BJ Casali requested approval of an agreement with Manatron for Hamilton County to be a Beta Site for a Drain Module which is being developed with the Surveyor's office, Manatron and the Auditor's office. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Quantum Art Software Maintenance Agreement:

Ms. Casali requested approval of the software maintenance agreement with Quantum Art for one year support for the content management software for the web site. The yearly cost is $2,000. Altman asked Ms. Casali to calendar the automatic renewal of the agreement, it requires 30 days notice or it will automatically renew.

Intelenet Commission Agreement:

Ms. Casali requested approval of an addendum to a service agreement with the Intelenet Commission to allow for electronic payments. The Parks Department is interested in collecting fees via credit card payments. This is being offered to counties at a reduced minimum convenience fee of $2.00 and service charge of 2% based on the amount of the payment charged. There is no cost to the county, only to those who use the system. Holt motioned to approve the Quantum Art Software Maintenance Agreement and the Intelenet Commission Amendment Schedule A. Altman seconded. Motion carried unanimously.

Administrative Assistant [2:43:15]

Solid Waste Advisory Committee Appointment:

Altman motioned to appoint William Kellum as a Commissioner's appointment to the Solid Waste Advisory Committee. Holt seconded. Motion carried unanimously.

2005 Commissioner's Budget:

Mr. Swift stated the budget instructions have been sent out and the budget has been frozen for 2005. He has updated the insurance figures, the community mental health has to increase per statute, and unemployment. Mr. Swift asked the Commissioners to review the 144 Forms. Altman asked Mr. Swift to make copies for the Commissioners and they will act on it at the next meeting.

Safety Management Policy:

Mr. Swift stated Jeff Rushforth has been asked to share the Hamilton County Safety Management Policy with other entities via electronic format. Altman stated the issue was the time and expense of the county. She wanted to make sure there is a policy guideline to follow on propriety information, especially in electronic format. Mr. Rushforth has informed Mr. Swift that he would have to spend extra time to have the policy put in the form they want. Mr. Howard stated this is public record, we only have to provide that record in the format we have it in. He does not have to rework the data. Altman asked if we have ever charged other governmental entities? Mr. Swift stated he has requests from other entities in Hamilton County as well as other counties and private entities. Mr. Howard stated the county has an ordinance that states if our ISS Department has to reformat data there is a charge. There is no distinction of government and private, it is a public record. Altman stated we will treat it as a public record, per the advice of the attorney.

Emergency Proclamation: [2:52:41]

Holt motioned to adopt the Local Emergency Proclamation for the tornado and strong winds of May 30, 2004. Altman seconded. Motion carried unanimously.

Weights & Measures Request for Travel:

Mr. Swift stated Cary Woodward has requested permission to attend the national Weights and Measures Conference in Pittsburgh beginning August 14, 2004. Altman asked if it is budgeted? Mr. Swift stated yes. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Altman asked Mr. Swift to check on the status of the Weights and Measures Contract with Boone County.

Animal Control Interlocal Agreements:

Altman asked Mr. Swift to follow up with the entities on the Animal Control Interlocal agreements.

Wage Determination Committee Appointments:

Mr. Swift stated Noblesville Schools is requesting an appointment to their Wage Determination Committee. Holt motioned to appoint Kevin Breninger. Altman seconded. Motion carried unanimously.

Carmel Clay Schools has requested an appointment to their Wage Determination Committee. Holt motioned to appoint Marilyn Greenfield. Altman seconded. Motion carried unanimously.

FEMA Flood Insurance:

Holt stated the county has received a letter from FEMA stating that due to Hamilton County's rating for federal flood insurance has been upgraded which would mean that anyone in the county paying a premium for flood insurance should receive a discount on their premium. Mr. Swift stated Mr. Kiphart is preparing a press release. Holt asked Mr. Swift to distribute a copy of the letter to the municipalities.

PrimeLife Enrichment 2005 Budget Request: [2:57:56]

Ms. Sandy Stewart thanked the Commissioners for their support and stated PrimeLife Enrichment was selected to receive an Indiana Achievement Award, which a statewide award as one of the best not-for-profits in the State in the area of sustainability and managed growth. Ms. Stewart requested approval of an agreement for 2005 funding for PrimeLife Enrichment in the amount of $125,000. Holt motioned to approve, subject to funding. Altman seconded. Altman thanked Ms. Stewart and her staff for the wonderful resource. You have made a huge difference in several lives. Motion carried unanimously.

Auditor [3:03:30]

2005 Holiday List:

Ms. Robin Mills requested approval of the 2005 Holiday List. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Liability Trust Claim:

Ms. Mills requested approval of a Liability Trust Claim payable to St. Paul Travelers in the amount of $3,085.15. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2004-00042 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5012097 for the Village of West Clay Section 9005 for storm sewers in the amount of $63,216. 2) HCDB-2004-00043 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5012096 for the Village of West Clay Section 9005 for erosion control in the amount of $32,000. 3) HCDB-2004-00044 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5012095 for the Village of West Clay Section 9005 for monuments and markers in the amount of $7,300. 4) HCDB-2004-00045 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5011338 for Oak Ridge (Custom Concrete) for storm sewers in the amount of $123,501. 5) HCDB-2004-00046 - Lexon Insurance Company Subdivision Bond No. 1007722 for Heather Knoll Section 1 for storm sewers, monument & markers and erosion control in the amount of $190,800. 6) HCDB-2004-00047 - Washington Mutual Irrevocable Standby Letter of Credit No. STB-2498 for Weston Pointe for monumentation in the amount of $2,080. 7) HCDB-2004-00047A - Washington Mutual Irrevocable Standby Letter of Credit No. STB-2498 for Weston Pointe for monumentation in the amount of $2,080. (Amendment to LC extending the expiration date to May 28, 2005 from April 15, 2005). 8) HCDB-2004-00048 - Washington Mutual Irrevocable Standby Letter of Credit No. STB-2499 for Weston Pointe storm sewer in the amount of $227,334.13. 9) HCDB-2004-00048A - Washington Mutual Irrevocable Standby Letter of Credit No. STB-2499 for Weston Pointe storm sewer in the amount of $227,334.13. (Amendment to LC extending the expiration date to May 28, 2005 from April 15, 2005. 10) HCDB-2004-00049 - Washington Mutual Irrevocable Standby Letter of Credit No. STB-2497 for Weston Pointe for erosion control in the amount of $23,967.48. 11) HCDB-2004-00049A - Washington Mutual Irrevocable Standby Letter of Credit No. STB-2497 for Weston Pointe for erosion control in the amount of $23,967.48. (Amendment to LC extending the expiration date to May 28, 2005 from April 15, 2005). Holt motioned to approve. Altman seconded. Motion carried unanimously.

Capital Asset Notification Form:

Ms. Mills requested acceptance of a Capital Asset for equipment for the Prosecutor's office. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Prevail Grant:

Ms. Mills requested approval of a Prevail Grant for the purchase of a server. These are 2002-03 funds that were unused and the Criminal Justice Institute has requested a new grant application to obtain these funds. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of the Payroll Claims for the period of May 10-20, 2004 paid June 4, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously. Ms. Mills requested approval of the Payroll Claims for the period of May 24-June 6, 2004 to be paid June 18, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of the Vendor Claims for payment June 15, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Sheriff [3:06:47]

Sheriff Carter informed the Commissioners that over the weekend there was a minor property damage accident involving one of the Sheriff vehicles. Everybody was ok.

Commissioner Committee Reports [3:07:37]

URISA Grant:
Altman stated she will work with Mr. Howard on an interlocal agreement for the URISA Grant.
COIT Issue:
Altman stated Mr. Howard will be meeting with the attorneys to start the process on the COIT issue.
Altman called a break in the meeting.
Altman called the meeting back to order. [3:17:40]
Order to Demolish Home - 12550 Lantern Road, Fishers:
Mr. Howard stated he prepared the Order Confirming Order for Demolition of Structure located at 12550 Lantern Road, Fishers. The order of demolition of the home and return the ground to grade must be completed by July 8, 2004. Mr. Howard requested approval of the confirming order. Altman opened the hearing and asked Mr. Kiphart to review the actions that have been taken to notice the owner of the hearing today and the preliminary order. Mr. Kiphart stated the order was mailed via regular mail and also mailed by registered return receipt mail. We did receive a copy back that the mail had been accepted by Mr. Dick. Mr. Kiphart provided the return receipt to the Auditor for the record. Mr. Howard asked if the letter was sent to the address shown on the Auditor's records as the address to send tax bills? Mr. Kiphart stated yes. Altman asked if the property owner, Mary Ellen Smith was present? Ms. Smith was not present. Altman asked if anyone cares to testify on behalf of Mary Ellen Smith to show cause why this order should not be entered? Ms. Rosemary Dick, Mary Ellen Smith's mother, 5238 Marrott Court, Indianapolis 46226. Altman asked if Ms. Dick is the property owner? Ms. Dick stated no. Altman asked what testimony Ms. Dick would like to present to the Board? Ms. Dick stated they thought they should appear in case there were questions they might be able to answer. Altman asked if Ms. Dick anticipates her daughter will appear at this hearing and show cause why this order should not be issued? Ms. Dick stated no, she is not able to be here today. Holt asked Ms. Dick if she was familiar with what the order says? Ms. Dick stated yes, it was her husband who signed for it and yes, she has read it. Holt asked if Ms. Dick knows if her daughter can comply with the Order? Ms. Dick stated she has no money, no income for 15-18 years. Without income she is sure she can not borrow the money to do it. Holt asked if there is an address where she lives, other than with you? Ms. Dick stated she is living with us. Holt stated she is aware of the notice as well? Ms. Dick stated she is not sure to what extent, she has not read a copy. Holt asked if she knows you have a received a copy? Ms. Dick stated she knows that there is a notice. Holt asked if Ms. Dick told her what it said? Ms. Dick stated just in general. Holt stated it is requesting the house be returned to grade, poison ivy removed? Ms. Dick stated right. Holt asked did she have anything to say that she wanted you to tell us on her behalf? Ms. Dick stated she does not know if she knows they are here. Holt stated, but she did know it was today? Ms. Dick stated she thinks so. Holt asked if there was any reason you did not give her a copy of it? Ms. Dick stated when we talked to her about it, she did not ask to see it or whatever. Altman asked do you see any ability for her to comply with the Order or return the property? Is there any reason why the Order should not be entered and completed? Ms. Dick stated she can understand the situation, if she was able to do it for her, she would. They are on Social Security, his medication costs about 3/4 of what he draws in Social Security and she has not had an opportunity how much we are talking about, demolition wise. She has no idea what the cost would be. She does not think at this point we are in a position to do it for her? Mr. Howard explained to Mr. and Mrs. Dick what will happen - if demolition has not occurred by July 8th we will then go to court, Mr. Kiphart will get three quotes before July 8th, you will receive Notice of Hearing, where we will ask the Court to grant the Court Order that the house be demolished at the cost of demolition plus any other costs that the County has incurred. These costs will be entered as a lien against the property and your daughter will receive a notice that those costs have been incurred and if she can not pay those costs, the property would be sold to satisfy them. Mr. Newton T. Dick stated a neighbor made us an offer for $20,000, can we sell it to him and let him proceed to have it demolished or whatever he wants to do? Mr. Howard stated you can, the problem is that it is in Mary Ellen's name. Mr. Dick stated he does not know how to get that out of there, if we could have changed that we would have a long time. Altman stated we need to proceed with what we need to do. At this point it is unsafe and unhealthy, proceed with the Order and you could sell it to this gentleman subject to the Order as long as you fully disclose. Mr. Howard stated if you have the authority to sell it, you will need to disclose that there is a proceeding. Mr. Dick asked if they know how much the lot is worth? Mr. Howard stated he would have no idea. Ms. Dick asked if the house is bought, does he have the option to repair it? Mr. Howard stated yes, but it will have to start happening real quickly, within days. Altman stated probably at this point we would have to have a Bond to be sure he will repair it. He would have to insure verbally and with security in the form of a Bond that is sufficient to repair the structure. It can not continue to exist as it is. Mr. Howard stated when this gentleman has the deed we will talk to him, until then we are going on down the road, this has drug on for almost 10 years. Ms. Dick stated it is difficult that we have been trying to care for this period of time, but when you get to be our age, not too many people are interested in loaning you money. Altman closed the public hearing. [3:30:40]

Holt motioned that we approve the Order Confirming the Demolition of Structure. Altman seconded. Motion carried unanimously. Holt asked Mr. and Mrs. Dick to share with their daughter that we don't mean to complicate her life any more by taking this action this afternoon. Mr. Howard gave Mr. and Mrs. Dick an original executed Order for them to take to Ms. Smith.

PUD Ordinance: [3:44:53]

Altman motioned to remove from the table the PUD Ordinance, tabled 3/23/04. Holt seconded. Motion carried unanimously. Mr. Kiphart stated the Commissioners have the Planned Unit Development Ordinance. The Plan Commission has held a public hearing on this ordinance and have given a positive recommendation to the Commissioners for approval. This would amend the current zoning ordinance section dealing with PUD and development plans. Altman stated her and Dillinger's main concern was the criteria in required niceties in terms of the exterior appearance of the buildings. We did not have any objections to the amendments to the ordinance that brought it in to compliance with current statute. Altman stated given that prior discussion she motioned to return this to the Plan Commission with instructions to remove those items that pertain to the exterior features or required provisions that are not statutory and to re-present it. Mr. Kiphart asked if that would be the requirements for single family residences? Altman stated whatever is required by statute to bring our PUD ordinance in compliance. That is how it was presented to the Board of Commissioners, that this ordinance was necessary to bring it in to compliance with State statute and it added other items to resolve other issues that were not acceptable to Commissioner Dillinger and I. Holt stated she has put him in an awkward position because he serves on the Plan Commission that voted unanimously to approve it as it was sent. Altman stated she has spoken to a couple of Plan Commission members and she did not get the impression in her discussions that those issues concerning the external appearance and the options were extremely important to them,

if important at all. Holt voted to second the motion because with it just sitting here, nothing happens. A lot of time and energy and resources have been expended on it. If it can go back for debate and discussion, it may come back to this Board in the form that it is. At least you will know that it has been addressed by the Plan Commission.

Mr. Howard clarified the procedure. If there is no action today it will become law by itself. If it goes back to the Plan Commission there must be a specific amendment proposed or request to reconsider. If they do not reconsider and it stays at the Plan Commission for 45 days it becomes law. Your request, there are several components, the architectural design component, the PUD component, he believes they are distinct and separate. The PUD provision is not unlike most PUD ordinances. A PUD is elective, it gives the landowner to come forth and basically write their own standards. It is it's own ordinance and is site specific. The architectural review is another way of looking at it. Mr. Howard asked Mr. Kiphart if that was not separate? Mr. Kiphart stated that is contained in Article 11, the Development Plan. Mr. Howard stated there is a development plan that is required, even though it is not a PUD. Mr. Kiphart stated under the current ordinance we call it a site plan, that is the one of the things that did not comply with State law. It had to be called a Development Plan. Mr. Howard asked if the Development Plan is only as to the PUD's or any development? Mr. Kiphart stated if it is along the US 31 corridor or SR 37 or abuts a residential development or it is a PUD it must have a development plan. Mr. Howard asked if the architectural design component for residential, commercial or both? Mr. Kiphart stated residential within a PUD, not all residential. Mr. Howard stated if someone came in with a plat and met all the underlying standards they could plat under your existing standards the way it is now and not go through the PUD? Mr. Kiphart stated the way it is now, yes. Mr. Howard stated only if they elected the PUD would there be architectural standards in effect? Mr. Kiphart stated yes.

Altman stated her and Dillinger's concern was the architectural control standards, we had some other concerns, but in terms of how you will enforce it, we will see if that needs to be revised further. Some of the definitions were not clear, as long as they are enforced in a uniform manner she believes we will get over that hurdle. Mr. Howard clarified the motion - to remand to the Plan Commission to review the architectural review standards? Altman stated correct. Holt asked if there are specific standards that you find offensive? Altman stated the standards are there that you have to comply with a multitude of choices and that is what she found offensive, that someone would have to get a variance whenever they did not want to comply with all of those items. Mr. Howard stated if you have a zoning district, R-1 residential, someone submits a plat and they want an R-1 subdivision, we meet all the underlying requirements of your subdivision control ordinance as far as size, setback, lot width, etc. They do not go through architectural review, only if the developer elects to go through the PUD process. Altman stated she understands that, but to get where you need to be you have to go through the PUD and then effectively you have done the same thing. Altman stated in reality you have to go through a PUD or those guidelines are not available. That is her major concern, we have restricted land use much to much and we need to back off of that a little bit and make it that the Plan Commission looks at each development and makes a decision. Holt stated on a PUD they always have to look at it. Altman stated she understands, but there is more flexibility without the architectural guidelines. She believes Dillinger shares her opinion. Altman approved. Holt opposed. Motion dies. Altman motioned to take action to approve without condition. Holt seconded. Holt approved. Altman opposed. Motion dies.

Ordinance 6-14-04-A, Submittal of Digital Plans:

Mr. Howard submitted Ordinance 6-14-04-A, An Ordinance Requiring Developers of Subdivision to Submit Digital Plans of Plats Recorded in Hamilton County to the Hamilton County Auditor's Office and to Standardize the Form of the Digital Files Submitted to the Hamilton County Auditor's Office, for introduction. The intent of this ordinance is that it required developers to submit their plats in digital format. All of the engineering firms that prepare plats have the ability to put them in digital format. We are spending numerous man-hours and translating to digital, where they can bring the plat in on disc and it is submitted. Mr. Howard stated he has been assured that the requested formats and data are standard. The proposal is the file would be submitted to Transfer and Mapping, a receipt would be issued, they would review it and the actual plat would not be recorded until it is preliminary reviewed. This can be done instantly. This ordinance is effective after August 31, 2004. Mr. Howard suggested introducing the ordinance today and have copies posted in Transfer and Mapping with a note that this will be considered at the next Commissioner's meeting. Altman stated she was concerned that there is no exception for the small splits. There is no parcel limit. On the larger developments where it is not a huge burden on the developer, it is appropriate. On small splits or subdivisions less than five lots, we should not require it. Mr. Howard stated he expressed that concern and Melissa Dashiell has told him that everybody has the ability to submit electronically. Holt asked if we could make it 30 days before we take action? Altman motioned to introduce Ordinance 6-14-04-A for consideration on July 12, 2004. Holt seconded. Motion carried unanimously.

Holt motioned to adjourn. Altman seconded. Motion carried unanimously. [3:50:34]

Commissioners Correspondence

Response from DNR re: Information Bulletin #37

Notice of Public Hearing:

Vacation of Abandoned Herriman Blvd. - Noblesville

Beam, Longest & Neff Notice of Transmittals:

Bridge #105, Anthony Road over Jones Ditch

IDEM Notice of Sewer Permit Applications:

Village of West Clay, Section 12002 A&B - Carmel
Westside Wastewater Treatment Ponds - Westfield
Slater Ridge, Sect. 1 & 2, Slater Run, Sect. 1, Slater Woods - Noblesville
Chapel Woods, Section 1 - Noblesville
Cherry Creek Estates, Section 4 - Carmel

IDEM Notice of Appeal Rights:

Oak Manor, Section 2 - Westfield
Lochaven of Noblesville, Section 3 - Noblesville
Chapel Woods, Section 1 - Noblesville
Westoak Industrial Park - Westfield
Stone Gate Subdivision - Fishers
Village of West Clay, Section 5001 - Carmel
Village of West Clay, Sections 12002 A&B - Carmel

Somerset, Section 2A - Fishers
The Estates of Meadowbrook, Section 3 - Fishers
Certificate of Liability Insurance:
Insight Communications

Present

Christine Altman, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Kim Rauch, Administrative Assistant to Auditor
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Virginia Hughes, Administrative Assistant to Highway Engineer
Amber Emery, Highway Public Service Representative
Dave Lucas, Highway Inspector
Robert Chadwell, Highway Inspector
Steve Broermann, Highway Technical Engineer
Mark Fisher, Highway Technical Engineer
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Joel Thurman, Highway Project Engineer
Matt Knight, Highway Staff Engineer
Mike McBride, Small Structure Staff Engineer
Faraz Hahn, Highway Department
Kathy Howard, Highway Department

Becki Wise, USI
Randy Manning, MacDonald Machinery
Lyndon Callahan, Deeds Equipment
Joe Gray, Holt Equipment
Mike Booth, Town of Fishers
Jim Gillaspy, Metro North
George Piper, Noblesville Times

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST:

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Robin M. Mills, Auditor