

COMMISSIONERS' MEETING

October 28, 2019

The Bartholomew County Commissioners met in regular session on October 28, 2019, in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Rick Flohr, Larry Kleinhenz and Carl Lienhoop were present. Attorney J. Grant Tucker and County Auditor Pia O'Connor were also in attendance.

Chairman Flohr called the meeting to order and Commissioner Lienhoop gave the invocation and led the Pledge of Allegiance.

The first order of business was the approval of minutes from the 10/21/19 Commissioners' Meeting. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next was the approval of claims. Commissioner Lienhoop motioned to approve the claims. Commissioner Kleinhenz seconded the motion which passed unanimously.

Chairman Flohr read into the minutes the New Permit Report dated 10/21/19 through 10/25/19. Twenty-seven (27) permits were issued with fees collected of \$3,637 and estimated construction costs of \$2,218,826.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: patched roads; repaired signs; picked up trash; mowed in Flatrock Township; ditched on 300S; replaced pipe on 900E and extended culvert pipe on 750S; bermed on Lowell Road, 250W, and Old Nashville Road; and seeded and strawed on 750S, 300S, 200W, and Lowell Road.

Hollander then presented **Change Order No. 2** to the contract with Globe Asphalt Paving Co. signed on 5/20/19. Globe's contract for \$191,421 was for completing the county's portion of the **Carr Hill Road Sidewalk Project** (INDOT Des. No. 1401864). The change order totaling \$26,731.29 was for additional asphalt. Commissioner Kleinhenz motioned to approve payment of the change order. Commissioner Lienhoop seconded the motion that passed unanimously.

Hollander also had quotes for the purchase of **one (1) 5-ton shop bridge crane** for the new highway garage. The low quote came from Brehob (West Chester, OH) for \$113,035. Hoosier

Crane (Elkhart) came in at \$120,664.81. Funding will come from the highway garage bond. Commissioner Lienhoop moved to accept the low bid from Brehob. Commissioner Kleinhenz seconded the motion that passed unanimously.

Emergency Management Director Shannan Hinton proposed purchasing **23 portable radios** for the Highway Department with previously awarded de-obligated grant money from 2016 HSHP. The Highway Department is the only remaining department not using the 800 system. ERS (OCI) submitted the low bid of \$28,242.19 for 22 radios (\$29,466.69 for ending count of 23). Electronic Communication Systems (Bloomington) quoted \$34,100 for 22. Chairman Flohr made a motion to accept the low bid from ERS/OCI. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, the Planning Department's Melissa Begley presented an ordinance amending the Official Zoning Map of Bartholomew County to be known as the **Redwood Acquisitions Rezoning**. The revisions are validated by Indiana Plan Commission Resolution for Case No. RZ-19-02 and explained in Director Jeff Bergman's memo dated 10/22/19, the content of which is inserted here:

At its October 9, 2019 meeting, the Bartholomew County Plan Commission reviewed the above referenced application and forwarded it to the County Commissioners with a favorable recommendation by a vote of 6 in favor and 0 opposed.

Redwood Acquisitions proposes to rezone an area of 31 acres from 12 (Industrial: General) to RM (Residential: Multi-Family). The property to be rezoned is located approximately 580 feet east of the current Bear Lane dead-end. It is bordered by Mill Street on the south, 700 North on the north, and the Eastern Bartholomew Water Corporation facility to the east. The applicants have indicated that the purpose of the rezoning is to allow the construction of a 200-unit apartment complex.

The Plan Commission's favorable recommendation includes several commitments intended to (1) ensure necessary improvements to Bear Lane and 700 North and the construction of a pedestrian path connecting nearby businesses and homes, (2) buffer the new development from the pedestrian path, (3) provide a pedestrian route within the development, and (4) ensure that any development is consistent with the applicant's description of their intended project.

Several members of the public spoke during the Plan Commission's public hearing on this request. Those neighbors expressed concerns about the lack of sidewalks in Taylorsville, specifically on Mill Street. They also inquired as to the impact of any new development on drainage in the area.

-End of Insert-

Copy of the ordinance under consideration is inserted here:

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF BARTHOLOMEW COUNTY, INDIANA, REZONING THE SUBJECT PROPERTY
FROM "I2c" (INDUSTRIAL: GENERAL WITH COMMITMENTS)
TO "RMc" (RESIDENTIAL: MULTI-FAMILY WITH COMMITMENTS)**

**To be known as the: Redwood Acquisitions Rezoning
Plan Commission Case No.: RZ-19-02**

WHEREAS, this rezoning was requested by Redwood Acquisitions, LLC and includes the consent of all owners of the subject property; and

WHEREAS, the Bartholomew County Plan Commission did on October 9, 2019 hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Board of Commissioners; and

WHEREAS, the Board of Commissioners has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Bartholomew County, Indiana, as follows:

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate shall be changed from "I2c" (Industrial: General with Commitments) to "RMc" (Residential: Multi-Family with Commitments):

Parent Tract 2A of the Oxford North Development Rep/at recorded in Plat Book "S", Page 378, in the Office of the Recorder of Bartholomew County, Indiana.

SECTION 2: Condition(s)

The approval of this ordinance is with the condition that the City of Columbus - Bartholomew County Planning Department be provided with written confirmation of Driftwood Utilities' ability to adequately provide sewer service to the subject property. This condition shall be satisfied prior to this ordinance becoming effective.

SECTION 3: Commitment(s)

The use and development of the subject property shall be subject to the commitments listed below. All commitments resulting from previous zoning map amendment ordinances shall be void and no longer applicable.

1. *The public improvements to Bear Lane, 700 North and the pedestrian path within the Mill Street right-of-way shall be completed in accordance with the Oxford North Development Major Subdivision Preliminary Plat (Plan Commission Case MAP-18-02). These improvements shall also include the extension of the Mill Street pedestrian path along the north side of the Bear Lane street extension from the subject property to the Bear Lane/Hubler Drive intersection. The path extension shall also be a minimum of 5 feet in width. All improvements shall be completed as components of the development of the subdivision final plat phase of which the subject property is a part.*
2. *The development of the subject property shall include a Buffer Yard Type B, as specified by the Zoning Ordinance applicable on October 9, 2019, along the south and west property lines where the subject property is adjacent to the Mill Street right-of-way and pedestrian path. Buffer installation shall be complete prior to occupancy of any development of the subject property.*
3. *The development of the subject property shall include a minimum 5-foot wide pedestrian path on at least one side of all internal private streets. The path may either be (1) a component of the streets, but visually distinguishable and in addition to the minimum required width of the vehicle travel lanes, or (2) separated from the streets. The path system created internal to the development shall provide a physical connection to the Mill Street pedestrian path. The path system shall be complete prior to occupancy of any development of the subject property.*
4. *The development of the subject property shall be consistent with the exhibits provided by the applicant as a component of the rezoning request, in the following regards: (1) there shall be a maximum of 200 dwelling units; (2) the maximum building height shall not exceed 1 story; (3) all dwelling units shall include 2 bedrooms, 2 bath rooms, a 2 car garage, and adequate space for the parking of 2 cars in the driveway for each garage; (4) no parking shall be permitted on the internal streets; (5) a minimum of 29 parking spaces, in addition to those in the driveways for each individual garage, shall be provided for visitors to the property; and (6) a minimum of 4 acres of usable (dry) open space shall be provided and include a picnic shelter or other similar structure for resident use and enjoyment.*

SECTION 4: Repealer

All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

SECTION 5: Severability

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected

SECTION 6: Effective Date

This ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law and subject to the condition listed above.

-End of Insert-

Chairman Flohr opened the meeting for public comment. Russell Brown of Clark Quinn Moses Scott & Grahm, LLP, representing Redwood Acquisitions, LLC, spoke briefly on the petitioner's behalf. With no other comments, Chairman Flohr closed the meeting. Commissioner Lienhoop moved to approve the ordinance on first reading. Commissioner Kleinhenz seconded the motion that passed unanimously. Second reading will be, Tuesday, 11/12/19.

Begley then presented a second ordinance amending the Official Zoning Map of Bartholomew County to be known as the **HPB Auto Sales Rezoning**. The revisions are validated by Indiana Plan Commission Resolution for Case No. RZ-19-03 and explained in Director Jeff Bergman's memo dated 10/22/19, the content of which is inserted here:

At its October 9, 2019 meeting, the Bartholomew County Plan Commission reviewed the above referenced application and forwarded it to the County Commissioners with a favorable recommendation by a vote of 6 in favor and 0 opposed.

HPB Auto Sales proposes that the zoning of property at 11340 North Heflen Park Road be changed from 11 (Industrial: Light) to CR (Commercial: Regional). The property is located at the southwest corner of Heflen Park Road and Willoughby Drive. The applicants have indicated their intent to operate an auto sales business on the property (primarily commercial grade pick-up trucks and other similar construction and service related vehicles).

A representative of a neighboring trucking business spoke at the Plan Commission's public hearing on this request. He asked that the truck sales business not have direct access to Willoughby Drive until the Hartman Drive extension is complete, so as to not create potential conflicts on Willoughby with his company's trucks. He explained that these trucks would instead use the Hartman Drive extension when complete. In response, the applicants noted that they do not intend any new entrance to the property from Willoughby Drive.

-End of Insert-

Copy of the ordinance under consideration is inserted here:

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF BARTHOLOMEW COUNTY, INDIANA, REZONING THE SUBJECT PROPERTY
FROM "11" (INDUSTRIAL: LIGHT)
TO "CR" (COMMERCIAL: REGIONAL)**

**To be known as the: HPB Auto Sales Rezoning
Plan Commission Case No.: RZ-19-03**

WHEREAS, this rezoning was requested by HPB Auto Sales, LLC and includes the consent of all owners of the subject property; and

WHEREAS, the Bartholomew County Plan Commission did on October 9, 2019 hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Board of Commissioners; and

WHEREAS, the Board of Commissioners has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Bartholomew County, Indiana, as follows:

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate shall be changed from "I1" (Industrial: Light) to "CR" (Commercial: Regional):

Block "C" of the Willoughby Trucking Final Plat recorded in Plat Book "O ", Page 73, in the Office of the Recorder of Bartholomew County, Indiana.

SECTION 2: Condition(s)

The approval of this ordinance is with the condition that the City of Columbus - Bartholomew County Planning Department be provided with written confirmation of both Driftwood Utilities' and Eastern Bartholomew Water Corporation's respective ability to adequately provide sewer and water service to the subject property. This condition shall be satisfied prior to this ordinance becoming effective.

SECTION 3: Commitment(s)

No commitments are attached to this rezoning.

SECTION 4: Repealer

All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

SECTION 5: Severability

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 6: Effective Date

This ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law and subject to the condition listed above.

-End of Insert-

Chairman Flohr opened the meeting for public comment. There being no comment he then closed the meeting. Commissioner Kleinhenz moved to approve the ordinance on first reading.

Commissioner Lienhoop seconded the motion that passed unanimously. Second reading will be, Tuesday, 11/12/19.

The next agenda item was consideration of an agreement with **Sound Communications, Inc.** E911 Director Todd Noblitt submitted an annual renewal agreement with SCI for maintenance and support of the **E911 audiolog** digital recording and phone system. The contract term runs from 11/21/19 to 11/20/20 at a budgeted cost of \$7,028.55. Commissioner Lienhoop made a motion to sign the yearly maintenance agreement. Commissioner Flohr seconded the motion that passed unanimously.

Next was a **ratification request from IT** Department for an expenditure to Central Square Technologies for travel expenses \$208.29 greater than the \$1,500 estimate on the quote for Superion public safety data migration. Chairman Flohr motioned to ratify the additional \$208.29. Commissioner Lienhoop seconded the motion that passed unanimously.

A request came from County Treasurer Barbara Hackman for elected officials to **give up their parking spaces** for taxpayers' use beginning Monday, 11/4/19, through Tuesday, 11/12/19. Chairman Flohr motioned to approve the request. Commissioner Kleinhenz seconded the motion that passed unanimously.

Commissioner Kleinhenz read the **Animal Control Report** for September, 2019, signed by Animal Control Officer Mark Case. There were 63 cases, 23 animals were picked up, 110 audits, 1 violation, 1 fine, 0 bite cases, 5 door hangers placed, 3 reclaimed animals, and 6 traps loaned to the public. The two vans traveled a total of 3,193 miles. Commissioner Kleinhenz moved to accept the monthly report. Commissioner Lienhoop seconded the motion that passed unanimously.

Commissioner Lienhoop acknowledged the receipt of the August, 2019, **Treasurer's Monthly Report** signed by County Treasurer Barbara Hackman. He moved to accept the report. Commissioner Kleinhenz seconded the motion which passed unanimously.

Veterans Services Officer Larry Garrity presented the **Veterans Services Report** for September, 2019. The Veterans Office processed 8 new applicants; conducted 112 scheduled, walk-in, and/or outside interviews; made 282 contacts by phone/mail; made 16 trips to the VA Hospital; and miles traveled in van totaled 1,777. VSO Garrity participated in a presentation at

the Bakalar Air Museum. Commissioner Lienhoop moved to accept the report. Commissioner Kleinhenz seconded the motion that passed unanimously.

County resident Pamela Huffman-Stone asked for an update regarding the Clifford Drain Project. She had received a letter from the county announcing a public hearing on the Clifford drain when the drain work had already been commissioned and she thought it was a done deal.

Commissioners had also thought it was a done deal, but explained that the **Town of Clifford** has jurisdiction over the right-of-way along 550N, where the **drain** is to be placed. Surprisingly, the Clifford Town Board would not give permission to the county to work in the ROW, which would essentially kill the project. It was the county's intention that once the drain was put in using highway funds, then it would be conveyed over to the Bartholomew County Drainage Board for future maintenance. However, to move the project forward, the drain install can be initiated by the drainage board, which has the authority to work in the ROW without the town board's permission. The letter Huffman-Stone received was for the public hearing to transfer the project to the drainage board. It will take several months and multiple public hearings before accomplishing the transfer, according to code. The contractor is still being retained.

When Huffman-Stone asked how she should proceed with her grievances, she was advised to bring a show of support to the drainage board public hearings. Huffman-Stone asked why the town board would be opposed to installing the drain, and; was the project to include watershed from Armuth Acres? Commissioners responded that the Clifford Drain Project would not have the capacity to include Armuth Acres. A brief explanation was given that some individuals in Clifford are unhappy with the operation of a certain existing drain, as it is not operating the way they thought it would. So this new project is being leveraged to bring attention to the current drain situation.

The next Commissioners' Meeting will be held on Monday, November 4, 2019, at 10:00 a.m. in the Commissioners' Chambers. There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY
BOARD OF COMMISSIONERS

RICHARD A. FLOHR, CHAIRMAN

ATTEST:

LARRY S. KLEINHENZ, MEMBER

PIA O'CONNOR

CARL H. LIENHOOP, MEMBER