

**COMMISSIONER'S MEETING**  
**July 25, 2011**

The Bartholomew County Commissioners met in regular session on July 25, 2011 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Carl Lienhoop called the meeting to order at 10:00 am. Commissioner Paul Franke, Commissioner Larry Kleinhenz and County Attorney J. Grant Tucker were also in attendance. County Assessor Lew Wilson gave the Invocation and led the Pledge of Allegiance. County Auditor Barbara Hackman was unable to attend today's meeting.

Next, the minutes of the July 18, 2011 meeting were approved unanimously on a motion by Commissioner Kleinhenz and seconded by Commissioner Franke.

The Payroll Claims were presented for approval. Commissioner Franke made a motion to approve the Payroll Claims. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Chairman Lienhoop read the New Permits Report from 7/18/2011 to 7/22/2011. Seventy permits were issued with a fee amount of \$8,746.00 and a valuation amount of \$14,877,113.00.

County Highway Superintendent Dwight Smith requested that the Commissioners release Driveway Bond 11B-04, posted by Greg Kiel. Commissioner Franke made a motion to release Driveway Bond 11B-04. Commissioner Kleinhenz seconded the motion that passed unanimously.

Mr. Smith gave the crew report for last week. They mowed in Ohio, Harrison, Columbus, Hawcreek and Clifty Township, replaced pipes on Youth Camp Road, milled roads for overlay on Deaver and on 550 W. for overlay, wedged roads in Flatrock Township and chipped and sealed in Columbus and Clifty Township. They also put up signs and patched roads. Milestone paved 600 E., Railroad St., 600 S. and the streets in Waynesville.

Planning Director Jeff Bergman was present for the consideration of an **Ordinance Amending the Major Subdivision Concept Plan and Minor Subdivision Conditions of Eligibility Provisions of the Bartholomew County Subdivision Control Ordinance.** Mr. Bergman explained that this is an item that the Plan Commission has been discussing and working on for several months. The proposed revisions would accomplish the following:

1. Clarify the application requirements for major subdivision concept plans
2. Delete the current requirement that new lots in minor subdivisions have access to county roads of at least 16 feet in width, and
3. Clarify the major and minor subdivision definitions as they relate to construction of new roads and the improvement of existing roads (consistent with the interpretations that have been applied by the Plan Commission since 2006).

Chairman Lienhoop opened the Public Hearing. Hearing no comments, Chairman Lienhoop closed the Public Hearing. Commissioner Franke made a motion to approve, on first reading, the following ordinance. Commissioner Kleinhenz seconded the motion that passed unanimously.

**AN ORDINANCE AMENDING THE MAJOR SUBDIVISION CONCEPT PLAN**

**AND MINOR SUBDIVISION CONDITIONS OF ELIGIBILITY PROVISIONS OF  
THE BARTHOLOMEW COUNTY SUBDIVISION CONTROL ORDINANCE**

**Favorably Recommended by  
Bartholomew County Plan Commission General Resolution 2011-02**

**WHEREAS**, the current Subdivision Control Ordinance of Bartholomew County was adopted by the Bartholomew County Board of Commissioners on October 21, 1986; and

**WHEREAS**, the Plan Commission, based on its experiences, has determined that certain provisions are in need of update, revision, and clarification; and

**WHEREAS**, the process of creating the proposed revisions to the Subdivision Control Ordinance has included opportunities for input from end-users of the document who are specifically affected by those revisions, specifically local land surveyors and the Bartholomew County Highway Department; and

**WHEREAS**, these proposed revisions to the Subdivision Control Ordinance were prepared consistent with the provisions of IC 36-7-4-701(b) and for the purposes described by IC 36-7-4-601(c); including (1) the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways, and (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and

**WHEREAS**, the Plan Commission did, on July 13, 2011, hold a public hearing consistent with the applicable requirements of Indiana law (IC 36-7-4-604); including providing the required published notice; and

**WHEREAS**, the Plan Commission has made a favorable recommendation to the Board of County Commissioners on the adoption of the proposed Subdivision Control Ordinance revisions.

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

**SECTION 1: Subdivision Control Ordinance Revised**

The Bartholomew County Subdivision Control Ordinance is revised as described by the “Public Hearing Draft Proposed Text – Bartholomew County Subdivision Control Ordinance Revisions” document attached to and made a part of this ordinance.

**SECTION 2: Repealer**

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

### **SECTION 3: 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 4: Effective Date**

This Ordinance shall be effective upon adoption and any publication required by Indiana law.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON FIRST READING THIS 25th DAY OF JULY, 2011.**

*S/s Carl Lienhoop*  
Carl Lienhoop

*S/s Larry S. Kleinhenz*  
Larry S. Kleinhenz

*S/s Paul Franke*  
Paul Franke

**ATTEST:**

*S/s Barbara Hackman*  
Barbara J. Hackman, Auditor  
Bartholomew County, Indiana

Mr. Bergman also presented the **Ordinance Amending the Official Zoning Map of Bartholomew County, Indiana, Rezoning the Subject Property from “I1” (Light Industrial) to “CRc” (Regional Commercial with Conditions)**. This is regarding the RZ-11-01 (Victor Davis Rezoning), which is located at 11490 North US 31 (it is the former Adesa Auto Auction site accessed via Heflin Park Road on the opposite side of US 31 from the Edinburgh Outlet Mall). Victor Davis intends to operate an antique store from the former Adesa building. This

building and the surrounding parking area are currently zoned CR (Regional Commercial) and the antique store is a permitted use. However, the majority of the property (located to the west of the building and parking area) is currently used for agriculture and is zoned I1 (Light Industrial). An antique store is not a permitted use in the I1 zoning district and the Zoning Ordinance specifies that the permitted use of any property which includes multiple zoning districts is dictated by the zoning district that covers the majority of the property. Therefore, the entire property needs to comply with the I1 regulations and the antique store would not be allowed. Mr. Davis is seeking the rezoning so that his entire property is zoned CR and the antique store is a permitted use. Mr. Davis has no plans at this time to further develop the property.

Chairman Lienhoop opened the Public Hearing. Hearing no comments, Chairman Lienhoop closed the Public Hearing. Commissioner Kleinhenz made a motion to approve, on first reading, the following ordinance. Commissioner Franke seconded the motion that passed unanimously.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF BARTHOLOMEW COUNTY, INDIANA, REZONING THE SUBJECT  
PROPERTY  
FROM “I1” (LIGHT INDUSTRIAL)  
TO “CRc” (REGIONAL COMMERCIAL WITH CONDITIONS)**

**To be known as the: Victor Davis Rezoning  
Plan Commission Case No.: RZ-11-01**

**WHEREAS**, this rezoning was requested by Victor Davis and includes the consent of all owners of the subject property; and

**WHEREAS**, the Bartholomew County Plan Commission did on July 13, 2011 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 of Bartholomew County, Indiana 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” (Light Industrial) to “CRc” (Regional Commercial with Conditions):

*All that part of Lot A2A of the “Roberts/Adesa Administrative Subdivision” recorded in Plat Book Q – Page 312D in the Office of the Bartholomew County Recorder that was originally Block A of the “Willoughby Trucking Park Final Plat” recorded in Plat Book O – Page 73 in the Office of the Bartholomew County Recorder except for Lot A1 of the “Willoughby/Roberts Resubdivision of Block A” as recorded in Plat Book Q – Page 98C in the Office of the Bartholomew County Recorder.*

**SECTION 2: Condition(s)**

The following condition of approval shall be recorded in the office of the Bartholomew County Recorder: “Any further development on Lot A2A of the Roberts/Adesa Administrative Subdivision will require the extension of Hartman Drive (as a public street) south to connect to Willoughby Drive.”

**SECTION 3: Repealer**

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

**SECTION 4: 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 5: Effective Date**

This Ordinance shall be effective upon and after the date and time of its adoption and the required recording of the condition, as provided in Indiana law.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON FIRST READING THIS 26th DAY OF JULY, 2011.**

S/s Carl Lienhoop  
Carl Lienhoop

S/s Larry S. Kleinhenz  
Larry S. Kleinhenz

S/s Paul Franke  
Paul Franke

**ATTEST:**

S/s Barbara Hackman  
Barbara J. Hackman, Auditor  
Bartholomew County, Indiana

Jill Saegesser, Executive Director of River Hills Economic Development, presented the **DR1B-09-001 – Columbus Regional Hospital – Central Sterile Services/Dietary – Consideration of Section 3 Business Utilization Report**. Ms. Saegesser explained that this is a form that is filled out by the prime contractor, Pepper Construction, which keeps track of how many low to moderate income persons they have hired during this job at their firm. Commissioner Kleinhenz made a motion to sign the DR1B-09-001 – Columbus Regional Hospital – Central Sterile Services/Dietary Section 3 Business Utilization Report. Commissioner Franke seconded the motion that passed unanimously.

The second item Ms. Saegesser presented was the **DR1B-09-001 – Columbus Regional Hospital – Central Sterile Services/Dietary – Consideration of Close Out Forms 2 and 3**. She explained they had close out monitoring on July 7 where the State Office of Community and Rural Affairs went through the records on this project and the one mentioned in the next project. The next step is for them to send a letter regarding close out and she needs the Commissioners'

signatures on these forms. Commissioner Franke made a motion to sign the DR1B-09-001 - Close Out Forms 2 and 3 for the Central Sterile Services/Dietary. Commissioner Kleinhenz seconded the motion that passed unanimously.

The last item presented by Ms. Saegesser was the **DR1B-09-003 – Columbus Regional Hospital – Lincoln Park Building – Slopewall Rehabilitation – Consideration of Close Out Forms 2 and 3**. Ms. Saegesser explained that the close out monitoring was held on the July 7 also and needs the Commissioners' signatures. Commissioner Franke made a motion to sign the DR1B-09-003 – Lincoln park Building – Slopewall Rehabilitation. Commissioner Kleinhenz seconded the motion that passed unanimously.

Carrie Riley, with ARA (Administrative Resources Associates), presented the **State of Indiana-Office of Community and Rural Affairs State Community Development Block Grant Program Disaster Recovery Fund EDS# A192-12-DR1A-09-091**. This is the DR1 Reimbursement for the Bartholomew Consolidated School Corporation on their buyout request. The County received the grant agreement from the Indiana Office of Community and Rural Affairs and the approval of the application that was submitted. It needs to be signed by the Commissioners so it can be sent in. The State will then execute the grant agreement and send it back to the County. Once the County has a fully executed grant agreement, the State will set up a monitoring to review the files in depth and a release would be made on the project so the reimbursement money can be sent to the County to reimburse the Bartholomew Consolidated School Corporation. The grant amount is for \$276,517.53. Commissioner Kleinhenz made a motion to approve the **State of Indiana-Office of Community and Rural Affairs State Community Development Block Grant Program Disaster Recovery Fund EDS# A192-12-DR1A-09-091** in the amount of \$276,517.53. Commissioner Franke seconded the motion that



passed unanimously.

Christina Pappano, with Kenna Consulting, presented the following Stage 1 Close Out forms for Driftwood Utilities Planning Grant:

- Grantee Performance Report
- Financial Settlement/Expenditure Report
- Application/Recipient Disclosure/Update Report
- Semi-Annual Report

Ms. Pappano explained that the final funds have been received by the County and paid out to the Schneider Corporation. Once the forms are sent to the State, they will send out a letter requesting 8 pieces of documentation and then they will go forward with Stage 2 Close Out. Commissioner Kleinhenz made a motion to sign the four Stage 1 Close Out Forms for Driftwood Utilities Planning Grant. Commissioner Franke seconded the motion that passed unanimously.

Chief Deputy Auditor Sandy Beatty presented the Form 144's to the Commissioners for their review. Commissioner Kleinhenz made a motion to accept the Form 144's for all of the offices of the County for the upcoming budget cycle. Commissioner Franke seconded the motion that passed unanimously.

Commissioner Kleinhenz read the Animal Control Monthly Report for the month of June 2011. There were 89 animals picked up, 14 violation notices, 2 bite cases and 4,639 miles logged. Commissioner Kleinhenz made a motion to accept the Animal Control Report for the month of June 2011. Commissioner Franke seconded the motion that passed unanimously.

Under miscellaneous, was the HDR Railroad request. Commissioner Franke explained that at the present time, there is a railroad through Columbus which was formerly Penn Central and is now the Louisville Indiana Railroad Company. The Louisville Indiana Railroad is entering into an agreement with the CSX Transportation, Inc. They propose that over the next few years,

they will upgrade the track from Indianapolis to Louisville (to FRA Class IV), which will allow freight trains to operate at up to 49 miles per hour and the movement of 286,000 lbs. (286K) carloads including double stack intermodal trains. The rehabilitation is planned to occur over a period of time that may be up to seven years. All of the rehabilitation will be limited to work upon and within existing railroad right of way. Once the rehabilitation is completed, CSXT intends to reroute trains from its other lines in the Illinois, Indiana, Ohio, Tennessee and Kentucky region over the Line. The reroute of trains will reduce the use of certain parts of CSXT's current network, specifically that between Louisville, KY and Cincinnati, OH and create additional capacity on that route. CSXT plans to add up to 15 trains per day between Indianapolis and Seymour, IN; 13 trains per day between Seymour and Jeff Yard, IN; and 16 trains per day between Jeff Yard, IN and Louisville, KY. Commissioner Franke made a motion to participate in a meeting with all of the other entities concerning railroad improvements that runs through Bartholomew County. Commissioner Kleinhenz seconded the motion that passed unanimously.

Gary Chambers, a taxpayer, was present to request that a noise ordinance be issued in Bartholomew County. He explained that, in the past, he has had a problem with loud music around his home, but now, in addition, he is having issues with his neighbor who has an explosive device that is so loud that it is frightening to the nearby property owners. He explained that he has tried to reason with the neighbor's father, but has gotten nowhere. He explained that the Sheriff's Department cannot do anything about this because there is no noise ordinance in place. Chairman Lienhoop assured Mr. Chambers that the Commissioners would work on this problem and try to find a solution.

There being no other business, the meeting was adjourned by Chairman Lienhoop at 11:10 am. The next Commissioner's meeting will be held on Monday, August 1, 2011 at 10:00 am in the Commissioner's Chambers.

BARTHOLOMEW COUNTY  
COMMISSIONERS

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CARL H. LIENHOOP, CHAIRMAN

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PAUL FRANKE, MEMBER

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LARRY S. KLEINHENZ, MEMBER

ATTEST:

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BARBARA J. HACKMAN, AUDITOR