

**COMMISSIONER'S MEETING**  
**July 2, 2012**

The Bartholomew County Commissioners met in regular session on July 2, 2012 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioner Paul Franke called the meeting to order at 10:00 am. Commissioner Carl Lienhoop and County Attorney J. Grant Tucker were also in attendance. Deputy Auditor Catherine Greenlee gave the Invocation and led the Pledge of Allegiance. Chairman Larry Kleinhenz and County Auditor Barbara Hackman were unable to attend.

Next, Commissioner Lienhoop made a motion to approve the June 25, 2012 minutes. Commissioner Franke seconded the motion that passed unanimously.

The Commissioners' Claims were presented for approval. Commissioner Franke made a motion to approve the Commissioners' Claims as presented. Commissioner Lienhoop seconded the motion that passed unanimously.

Next, Commissioner Franke read the New Permits Report from 6/25/2012 to 6/29/2012. Twenty-nine (29) building permits were issued with a fee amount of \$2,600.00 and a valuation amount of \$1,129.903.

County Highway Engineer Danny Hollander gave the weekly crew report. They patched roads, mowed in Clifty, Sandcreek, Hawcreek, Clay and Columbus Township, removed log jam from 800 S. under bridge, replaced pipes on 950 S., 500 W. and on 1050 E., repaired tile under road on 300 E., pulled stone back along 1100 S. and on Southern Crossing, milled roads for overlay, placed stone along road behind Circle K in

Taylorsville, painted curbs at Edinburgh Premium Outlets and put up signs. Milestone Contractors paved on 900 E. and 50 N. in Clifty Township and three streets in Taylorsville. The Highway Department also replaced drywell in Taylorsville and cleaned up trees from the storm on Friday afternoon and Sunday morning.

The MS4 Report was not ready to present.

Rob Gaskill, Director of Residential Service, presented an RSAT Grant Amendment. Mr. Gaskill explained that this is a Residential Substance Abuse Treatment Grant that they received from the Federal Government and this is the money they use to operate the Women Recovering with a Purpose program and they are in the second year of the grant cycle. At the end of the month, in Chicago, they are having the first annual RSAT National Conference and they are inviting two people from each state to represent the state at that conference, one from the grant agency, which is Indiana Criminal Justice Institute and also one recipient of the grant. Bartholomew County were chosen to represent the State of Indiana due to the statistics that that has been shown in the first year of operating the program. They are covering all the costs of the training and they have added \$800 to the grant to cover hotel and travel. He requested the Commissioners signature to add the \$800 to the grant amount, which makes the total \$173,406. Commissioner Lienhoop made a motion to approve the \$800 increase to the RSAT Grant making the total \$173,406. Commissioner Franke seconded the motion that passed unanimously.

Commissioner Franke recognized State Representative Milo Smith and Republican Commissioner Candidate Rick Flohr in the audience.

The next item on the agenda was a proposal for three (3) radios for Animal Control. The bandwidth is changing in the state. The quote is from Owens Communications, Inc. in the amount of \$1,275 for three (3) Motorola CP200 XLS Portable Radios including programming. Commissioner Lienhoop made a motion to accept the proposal from Owens Communications, Inc. in the amount of \$1,275 for three (3) Motorola radios for Animal Control. Commissioner Franke seconded the motion that passed unanimously.

Under miscellaneous, Dennis Moats, Director of Emergency Management, said that Bartholomew County has been under a burn ban from quite some time and that many counties are beginning to look at the issue of fireworks and some have even banned private fireworks. He explained that one of the issues that the chiefs have ran into in the IC 22-11-14-10.5, the Indiana Fireworks Display Code, is Section C, Item 3 (*An ordinance adopted under this section may not limit the use of consumer fireworks during certain days*). Many of the fire chiefs and Commissioners have prohibited the restriction of the above regarding the consumer fireworks. Some counties have declared a local drought state of emergency, which is IC-10-14-3.29, which gives emergency powers and they are hopeful that if challenged by the fireworks association or individuals that it might trump IC 22-11-14-10.5.

Commissioner Franke stated that the Commissioners have received several comments from various fire chiefs, encouraging the passing of a resolution encouraging residents not to use fireworks.

Commissioner Franke read the following proclamation that was prepared by County Attorney J. Grant Tucker:

**PROCLAMATION PERTAINING TO CONSUMER FIREWORKS**

**WHEREAS:** By Executive Order dated June 20, 2012, the Bartholomew County Fire Chiefs' Association did "resolve and request that there be no open burning or discarding of matches, ashes or burning materials from vehicles within the confines of Bartholomew County, Indiana; and

**WHEREAS:** The drought conditions that prompted that Executive Order have not abated but have, in fact, worsened since the date of that Executive Order; and

**WHEREAS:** Indiana Code 36-1-3 et. seq. confers upon units of local government such powers as may be necessary or desirable to conduct the affairs of said government unit; and

**WHEREAS:** The Board of Commissioners of Bartholomew County, Indiana ("Commissioners") believe that the current drought conditions pose such a serious threat of fire that based upon the recommendation of the Fire Chiefs' Association, the Commissioners hereby proclaim that the use of Consumer Fireworks in Bartholomew County should be prohibited.

**NOW THEREFORE BE IT PROCLAIMED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY AS FOLLOWS:**

1. For purposes of this Proclamation, "Consumer Fireworks" shall have the same meaning as that contained in Indiana Code 22-11-14-1.
2. The use of Consumer Fireworks in Bartholomew County is hereby prohibited, effective immediately and shall remain in effect until the Burn Ban imposed by Executive Order of the Fire Chiefs' Association on June 20, 2012 is lifted or such earlier date as may be established by Proclamation of the Commissioners.
3. This prohibition shall not apply to professional fireworks displays which are otherwise authorized under applicable state law or local ordinance or regulation.
4. All County residents are urged to support and comply with this prohibition.

**IN WITNESS WHEREOF** we have hereunder set our hands this 2<sup>nd</sup> date of July, 2012,

**BOARD OF COMMISSIONERS OF  
BARTHOLOMEW COUNTY, INDIANA**

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Larry S. Kleinhenz, Chairman

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*S/s Paul Franke*

Paul Franke, Member

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*S/s Carl H. Lienhoop*

Carl H. Lienhoop, Member

**ATTEST:**

By: *S/s Barbara J. Hackman/S.B.*

Barbara J. Hackman, Auditor of  
Bartholomew County, Indiana

Commissioner Franke opened the Public Hearing. State Representative Milo Smith read an e-mail that he had received from the Department of Homeland Security last week. The State Fire Marshall and the Attorney General's Office issued a formal written statement. It read, *"Relying upon both the home rule authority and the local disaster emergency authority, local entities may restrict the locations fireworks can be used in their communities. Keeping this restriction at the local level can provide proper protections for public safety while still allowing for the celebrations that are common around Independence Day. Jurisdictions can limit use to certain areas of their communities and prohibit use in other areas in the interest of public safety during the days and hours that fireworks are allowed."*

Jim Christjohns, with Ceraland, asked if public displays by professionals were ok.

Commissioner Franke asked him if a fire department would be present and Mr.

Christjohns assured him that there would be. Representative Smith asked if there would

be a tank of water there in case something happens to the fire hydrants and Mr. Christjohns assured him that there would be.

Someone from the press asked that if this temporary ban is instituted, what does this mean for the consumer selling fireworks. The Commissioners stated that they could still sell them, but no one could set them off.

Commissioner Lienhoop stated that Attorney Tucker had also drafted an ordinance that could be discussed, but ordinances specify fines and it could put an undue burden on law enforcement officials. He added that the Commissioners are just urging the residents to use common sense such as sparklers are fine as long as there is a bucket of water nearby, but the aerial fireworks should not be used since they could land anywhere.

Commissioner Lienhoop made a motion to sign the above proclamation pertaining to banning of consumer fireworks during the dry weather. Commissioner Franke seconded the motion that passed unanimously. Representative Smith asked if this will also pertain to the City of Columbus, but Attorney Tucker said that the City would need to do something on their own.

Also under miscellaneous, Commissioner Franke announced that all county offices will be closed Wednesday, July 4, 2012 in observance of Independence Day.

There being no other business, the meeting was adjourned by Commissioner Franke at 10:38 a.m. The next Commissioners' meeting will be on Monday, July 9th, 2012 at 10:00 a.m. in the Commissioners' Chambers.

BARTHOLOMEW COUNTY  
COMMISSIONERS

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LARRY S. KLEINHENZ, CHAIRMAN

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PAUL FRANKE, MEMBER

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CARL H. LIENHOOP, MEMBER

ATTEST:

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BARBARA J. HACKMAN, AUDITOR