

COMMISSIONERS' MEETING

May 13, 2024

The Bartholomew County Commissioners met on May 13, 2024, in the Commissioners Chambers of the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Larry S. Kleinhenz, Carl H. Lienhoop, Tony London, County Administrator Tina Douglas, Assistant County Administrator Brooke Bowers, Attorney J. Grant Tucker, and Auditor Pia O'Connor were in attendance.

Commissioner Kleinhenz opened the meeting.

Commissioner Lienhoop gave the invocation and led the Pledge of Allegiance.

The next item was the Approval of Minutes for May 6, 2024. **Commissioner Lienhoop motioned to approve the May 6, 2024 Minutes, as presented. Commissioner London seconded the motion, which passed unanimously.**

The next item was the Approval of Payroll. **Commissioner London motioned to approve Payroll as presented. Commissioner Lienhoop seconded the motion, which passed unanimously.**

The next item was the weekly permits report as read by Commissioner London:

<u>Time Frame</u>	<u>New Permits</u>	<u>Fees</u>	<u>Value</u>
5/6/24 to 5/10/24	30	\$5,900	\$2,014,393

The next item was the Highway Weekly Crew Report, presented by Highway Engineer, Danny Hollander, as follows: dura-patched; picked up trees; put up signs; mowed back trees; ran ditcher 300 E and Base Road; placed stone along roads.

The next item was a Consideration of an Agreement with Verizon Wireless for the Sheriff's Department, presented by Chief Deputy, John Martoccia. The agreement is for a one (1) time new equipment offer. The device discount offer is contingent on activating or upgrading a minimum of fifty-seven (57) smartphone government subscriber lines on the "eligible device" contained in the agreement. The Apple iPhone 14, 5g, 128 GB (any color), is offered at a price of \$0.00, while supplies last. The device offer is valid through June 30, 2024. **Commissioner London motioned to Accept the agreement with Verizon Wireless as presented. Commissioner Lienhoop seconded the motion, which passed unanimously.**

The next item was the Consideration on the Second Reading of an Ordinance Amending the Columbus & Bartholomew County Zoning Ordinance for the Jurisdiction of Bartholomew County as

presented by Planning Director Jeff Bergman. Commissioner Kleinhenz opened the Public Hearing of the meeting.

Audience member, Phil Weichman, asked if the commercial solar section of the ordinance would affect public right-of-way, specifically 90-foot poles being placed on his property. Jeff Bergman answered that his ordinance does not permit that and Danny Hollander answered that special permits would have to be requested and approved before anything could be placed in public right-of-way other than public utilities and no requests have been made at this time.

Audience member Tim Scheidt, a local real estate appraiser, stated concern over the land use changes about biosolids being utilized and stored near residential neighbors and the effect on their housing values as well as exposure to the biosolids and the potential for public health concerns.

Audience member Levi Fisher, went to the IDEM meeting that was held and he was concerned about the application of biosolids and the potential effects it will have on drinking water and the environmental impact it will have in Bartholomew County. He stated that contamination has been found locally and it is yet to be determined if biosolids application is the cause.

Commissioner Kleinhenz closed the Public Hearing. The changes were approved in the April 10, 2024, Plan Commissioner Meeting and are as follows:

Part 1: Revisions Required to Comply with Indiana Law (pages 1-8)

- ***Mobile & Manufactured Homes:*** *These revisions result from changes to Indiana law. These changes updated terms and definitions related to manufactured housing and established additional limits on local communities' ability to exclude or regulate housing based on its method of construction.*

Part 2: Revisions Recommended to Correct Errors (page 9)

- ***RT District Intent and I3 Commercial Uses:*** *These revisions correct errors or omissions identified by the Planning Department Staff.*

Part 3: Revisions Recommended for Clarification (pages 9-14)

- ***Single-family residential Zoning District Density, Incidentals, Wheel Stop Placement, Bicycle Rack Spacing, Parking Space Measurement, Park/Playground Uses, and Accessory Structure Vehicle Access:*** *These revisions are intended to add clarity to existing regulations with minimal additional requirements.*

- ***Parking Lot Street Frontage Landscaping:*** *These revisions provide an alternative when required landscaping would share space with overhead utilities.*
- ***Electric Vehicle Charging:*** *These added provisions create standards for the placement of electric vehicle charging stations.*

Part 4: Revisions Recommended for Consistency with Columbus Provisions (pages 14-19)

- ***Mixed-density neighborhood Overlay, Accessory Dwellings, RE Zoning District Living Area:*** *These revisions are intended to address housing issues identified primarily in the City's jurisdiction. They eliminate a district that allows home conversion to apartments as a permitted use, further enable accessory dwellings in residential districts, and provide greater flexibility in the regulation of living areas in the oldest neighborhoods. The changes would also apply to the rural villages with County jurisdiction, such as Taylorsville and St. Louis Crossing, when RE zoning is present.*
- ***Vehicle Parking:*** *These revisions delete certain parking enforcement provisions that are now included in the Columbus Municipal Code (for the City's jurisdiction).*
- ***Solar Energy Generation:*** *These revisions clarify requirements for solar installations at individual homes and businesses, as well as enable those potentially located at an airport serving a neighborhood or development.*

Part 5: Revisions Regulating Biosolids Storage Facilities (pages 19-20):

- ***Biosolids Storage Facilities:*** *Biosolids storage is currently not regulated by the zoning ordinance. The proposed provisions specifically define the use and allow it only as a conditional use (requiring case-by-case Board of Zoning Appeals approval) in the agricultural zoning districts.*

Commissioner Lienhoop motioned to Approve the Second Reading of the Zoning Ordinance Amendments as presented. Commissioner London seconded the motion, which passed unanimously.

The next item was the Second Reading of Ordinance No. 2024-04, Consideration of an Ordinance Prohibiting the Import, Storage, and Application of Biosolid Material from counties other than Bartholomew into Bartholomew County properties. This Ordinance shall be effective immediately upon its passage. Bartholomew County Attorney, J. Grant Tucker, stated that this ordinance intends to prevent any import of biosolids not first processed by Columbus City Utilities (CCU). Commissioner London reiterated that the commissioners trust our local facility but that the concern is for other facilities and any

standards that are not met. He acknowledged that biosolids have been applied in Bartholomew County for 40 years and cited that not only Maine and Canada have banned the import of biosolids but also other counties in Indiana. Commissioner London also stated the EPA cited the requirement for biosolids to be mixed before application is to dilute the material and limit the risk of pathogens. Commissioner Lienhoop noted that the verbiage in the ordinance does not exclude CCU from accepting out-of-county material, however, they must first process it. He also stated most out-of-county material is brought in by septic companies and the county's infrastructure lines adjacent to surrounding counties. Commissioner Lienhoop also stated that from his research, CCU is within the top 10 facilities in Indiana. Commissioner Kleinhenz reiterated his support for the ordinance.

Ordinance No. 2024-04

WHEREAS, the Bartholomew County Commissioners are opposed to the import or transport of Biosolid Material from counties other than Bartholomew into Bartholomew County properties; and

WHEREAS, Biosolids are defined as processed human or other waste processed and/or produced by utility or other treatment plants; and

WHEREAS, this Ordinance is not intended to apply to commercially bagged or other materials which may include Biosolids which is intended for residential use; and

WHEREAS, the County Commissioners intend to make it a violation of this ordinance and the Bartholomew County Code for any resident, company, or other entity to apply to real estate in Bartholomew County or to store on real estate in Bartholomew County Biosolids that were not processed by the City of Columbus Utility Department; and

WHEREAS, a violation of this ordinance shall be punished in the amount of \$5,000.00 per day.

Commissioner Kleinhenz opened the public hearing for comment from the public.

Audience member Levi Fisher once again made comments in favor of the ordinance. He reiterated his concern about the public health risks and environmental impacts of imported materials and the application of biosolids in general.

Audience member and Assistant Director of Engineering for CCU, Ashley Getz, voiced her concern about some of the information she categorized as misinformation regarding the processing and application of biosolids. She stated that CCU has met and exceeded the required standards set forth by the State of Indiana and invited the commissioners to come and review their process and the paperwork involved. Commissioner Kleinhenz stated he has been to the facility multiple times and Commissioner

London clarified that the commissioners are not trying to limit CCU's ability to dispose of the waste and their process is not under scrutiny by the commissioners.

Audience member and retired employee of CCU, Randy Duckworth, reiterated Ashley Getz's statements and the difference between Class A permits and Class B permits. He stated that the requirements to receive the permits are the same for all county permit holders.

Audience member and retired federal government civil engineer, Jim Fritsche, questioned if CCU was pursuing more modern processing options, like Hydrothermal Carbonization utilized in Europe and China. Ashley Getz responded that CCU is always in search of better processes and stated they did a study on biosolids a few years ago.

Audience member and local farmer, Evan Dailey, stated his opposition of the ordinance and that similar ordinances in 10 other counties that were passed were later struck down by the courts. He also referenced Commissioner London's earlier statement about diluting the material, stating the reason for mixing isn't to dilute per se but to blend with another Class B material, which should be meeting the same testing requirements as the material being mixed.

Audience member, Kim Scheidt, stated her approval of this ordinance, and her concern over the health effects of biosolids application in general. She also mentioned the Indiana State Attorney General filed an investigation on April 10, 2024, in 24 counties, Bartholomew County included, for untreated ground and city water.

Audience member, Stacy McMullen, stated her approval of this ordinance and voiced her concern about Rockcreek being within a mile of where some of the material will be applied. She noted that just because it has been done for years, that doesn't mean Bartholomew County should continue to allow it.

Audience member, Dave O'Dell, a resident of Base Road, voiced his concern for the surrounding areas around Dailey's property including Ceraland; the residential neighbors; small businesses; and adjacent neighbors. He stated he understands this ordinance is not to ban the application of biosolids but he suggested the pursuit of a total ban.

Audience member, Linda Scheidt, stated her approval of this ordinance and thanked the commissioners for their ongoing effort to protect Bartholomew County.

Audience member and local farmer, Jim Dailey, voiced his opposition to the ban and also noted that the application of biosolids is better than how some septic tanks are disposed of because biosolids are treated. Commissioner Lienhoop noted that the illegal dumping of septic tank material, when it occurs, is wrong, and septic companies take their material to the processing facilities.

Commissioner Kleinhenz closed the public hearing.

Commissioner London motioned to Approve the Second Reading of Ordinance No. 2024-04 as presented. Commissioner Lienhoop seconded the motion, which passed unanimously.

The next item was the consideration of Agreements with Universal Valuation, Inc. for Annual Appraisal Services. The agreements are for the annual maintenance fee for appraisal services on sixteen (16) of the county's structures for proof of loss service guarantee through March 2025. There are also two (2) renewal site inspections on the Government Office Building and the Emergency Operations Center for a total of \$1,495.00. The Commissioner's Budget pays these costs. **Commissioner London motioned to Approve the Agreements as presented. Commissioner Lienhoop seconded the motion, which passed unanimously.**

There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY
COMMISSIONERS



LARRY S. KLEINHENZ, CHAIRMAN



TONY LONDON, MEMBER



CARL H. LIENHOOP, MEMBER

ATTEST:



PIA O'CONNOR, AUDITOR