

COMMISSIONERS' MEETING

August 25, 2014

The Bartholomew County Commissioners met in regular session on August 25, 2014 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Carl Lienhoop called the meeting to order at 10:00 a.m. Commissioners Larry Kleinhenz and Rick Flohr, County Attorney J. Grant Tucker and County Auditor Barbara Hackman were also in attendance.

Commissioner Flohr gave the Invocation and led the Pledge of Allegiance.

The first item on the agenda was the approval of the August 18, 2014 Commissioners' Meeting Minutes. Commissioner Kleinhenz made a motion to approve the minutes, seconded by Commissioner Flohr, and the motion passed unanimously.

Next was the approval of claims. Commissioner Flohr made a motion to approve the claims. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was weekly reports. Chairman Lienhoop read the New Permit Report dated 8/18/14 to 8/22/14. Twenty-seven (27) permits had been issued with a fee amount of \$2,313 and an estimated construction cost of \$974,938.

County Engineer Danny Hollander gave the County Highway Weekly Crew Report which included the following work: put up signs; patched roads; did chip and seal in Rockcreek and Clay Townships; mowed in Hawcreek and Clifty Townships; replaced pipe on 675W; worked on gabion/retaining wall on 1000S; trimmed trees around Schaffer Lake; and cut up trees from storms.

Engineer Hollander also submitted the Bartholomew County Highway Monthly Financial Report for July, 2014 which included the Financial Report, Budget Status Report and Revenue Comparisons for the Highway Fund, Local Roads/Street Fund and the Cumulative Bridge Fund.

Mr. Hollander then presented a letter to the County Surveyor's Office requesting the staking of lot corners for Lot 28 of the Original Town of Newbern in conjunction with

the Newbern Bridge #26 replacement. Commissioner Kleinhenz made a motion to sign the letter to the County Surveyor. Commissioner Flohr seconded the motion that passed unanimously.

Next, Solid Waste Management Education Coordinator Heather Siesel presented the Recycling Center Volumes through July, 2014. Residential Recycling Volumes for June and July included some special events outside the normal scope of the Recycling Center. There was a Cummins event in June and an event with Community-Connected Partners in July. Cardboard continues to be the highest volume of recycled materials in the Commercial Recycling sector. The Satellite Recycling Program once again received above average volumes of colored glass volumes for July. The Landfill Reuse Center volumes are up which is typical for the summer months. Electronics Recycling is trending at roughly 19,000 pounds every three months, which is good for the relatively new program.

Ms. Siesel has scheduled over 25 educational programs with the schools. Six upcoming community presentations include: health safety fairs, community fairs, Touch a Truck, and Outdoor Lab. Special events for fall include:

Nov. 15, 2014 Amnesty Day

Nov. 15, 2014 Déjà vu Art and Fine Craft Show

Nov. 14, 2014 Get Caught Recycling

For the next agenda item, IT Director Jim Hartsook presented a Change of Service Agreement amending the terms of the Data Cave Master Service Agreement signed on October 5, 2009 for off-site storage. IT has been consolidating equipment to the point where the County can go from renting two racks down to a single rack. The current rental expense of \$1,693/month would be reduced to \$740/month. Commissioner Kleinhenz made a motion to sign the Change of Service Agreement with Data Cave effective September 1, 2014. Chairman Lienhoop seconded the motion that passed unanimously.

Next was the monthly Animal Control Report for July, 2014. Animal Control Officer Mark Case read the report as follows: there was a total of 194 cases, 64 animals were picked up, 97 audits, 3 violations, 2 fines, 2 bite cases, 7 door hangers placed, 7 reclaimed animals and 9 traps loaned to the public. The two vans traveled a total of 3,616 miles. Commissioner Kleinhenz made a motion to accept the July, 2014 Animal Control Report as submitted. Commissioner Flohr seconded the motion which passed unanimously.

Next agenda item was the first reading of an ordinance establishing a moratorium on farm (confined feeding operation (CFO) / concentrated animal feeding operations (CAFO) Type II) uses in Bartholomew County, IN. (*See attached*)

Jeff Bergman, Planning Director, reported to the Commissioners that the Plan Commission cast five (5) favorable and three (3) opposing votes for adopting a CAFO moratorium. The Plan Commission recommended a moratorium on CAFO Type II applications. CAFO Type II operations maintain a larger number of animals and require Board of Zoning Appeals approval; whereas, Type I operations have fewer animals and are permitted, by right, in agricultural zoning districts. The recommended term of the moratorium was 18 months or until the CAFO Regulation Study Committee finishes its work and any recommendations are evaluated and/or acted upon by the Commissioners, whichever occurs first.

Mr. Bergman went on to say that a moratorium is a land use issue, much like changing the zoning on a piece of property, or adjusting county zoning regulations. According to Indiana law, those processes begin with the vetting process through the Plan Commission. The Plan Commission has a public hearing, takes input, and makes recommendations to the Commissioners. The intent of the Plan Commission is to be advisors on issues related to land use. The Commissioners, as the County's legislative body, then decide the action to be taken.

Chairman Lienhoop read the animal threshold levels of CAFO Type II operations:

300	Cattle
600	Swine/Sheep
30,000	Fowl
500	Horses

Mr. Bergman pointed out that at Type II threshold numbers come from Indiana Code and IDEM would be involved in those operations, e.g., issuing permits and approvals. The County Zoning Ordinance mirrors Indiana Code by referencing those thresholds in defining what requires the conditional use approval through the Board of Zoning Appeals versus what is permitted by right for Type I.

Chairman Lienhoop then opened the meeting for a public hearing. Audience members who spoke for and against the proposed CAFO moratorium were: Rob Eikenbury, Hope resident; Bill Gelfius, recently approved CAFO applicant; Tom Mee, Hope resident; Gordon Huey, Hope resident; Nancy Banta, Hope resident; Mike Percy, Hartsville resident; Ben Wicker, Indiana Pork Farmers representative; Bill Corya, CAFO owner; Isabel Nowlin, Columbus resident; Kristen Whittington, owner of Landmark Enterprises; and Aly Wells, State Department of Agriculture representative. Chairman Lienhoop then closed the public hearing portion of the meeting.

Commissioner Flohr made a motion to pass and adopt on first reading an ordinance establishing a moratorium on farm (confined feeding operation (CFO) / concentrated animal feeding operations (CAFO) Type II) uses in Bartholomew County, IN subject to amending the ordinance wording from eighteen (18) to twelve (12) months. Commissioner Kleinhenz seconded the motion that passed unanimously. The second reading of this ordinance will be voted on at the September 8, 2014 Commissioners' Meeting.

Chairman Lienhoop announced that County Offices would be closed next Monday, September 1, 2014 in observance of Labor Day. The next Commissioners' Meeting will be held on Tuesday, September 2, 2014 at 10:00 a.m. in the Commissioners'

Chambers. There being no other business the meeting was adjourned by Chairman Lienhoop at 11:15 a.m.

BARTHOLOMEW COUNTY
COMMISSIONERS

CARL H. LIENHOOP, CHAIRMAN

LARRY S. KLEINHENZ, MEMBER

RICHARD A. FLOHR, MEMBER

ATTEST:

BARBARA J. HACKMAN

ORDINANCE NO.: 2014 - __

**AN ORDINANCE ESTABLISHING A MORATORIUM ON FARM
(CONFINED FEEDING OPERATION (CFO) / CONCENTRATED ANIMAL
FEEDING OPERATION (CAFO) TYPE II) USES IN BARTHOLOMEW
COUNTY, INDIANA**

WHEREAS, the Zoning Ordinance currently in effect for the jurisdiction of Bartholomew County, Indiana allows “Farm (Confined Feeding Operation (CFO) / Concentrated Animal Feeding Operation (CAFO) Type II)” uses as conditional uses in all Agricultural and Industrial Zoning Districts; and

WHEREAS, the recent consideration of two such proposed uses in Bartholomew County through the conditional use process has resulted in significant public discussion and debate; and

WHEREAS, in response to the public interest and the concerns associated with these uses the Bartholomew County Commissioners have established a “Bartholomew County CAFO Regulation Study Committee” to research these uses, review existing local regulations, and propose any recommended changes to those regulations; and

WHEREAS, in support of the CFO/CAFO study process currently underway and in recognition of the significance of this matter it is deemed appropriate to establish a moratorium on new applications for the most potentially impactful of these

uses until the most appropriate regulations for them in Bartholomew County have been identified; and

WHEREAS, a moratorium is intended as a temporary measure allowing for permanent regulations to be considered; and

WHEREAS, establishing a moratorium is necessary to ensure the public health, safety, and general welfare until the Bartholomew County CAFO Regulation Study Committee has completed its task and permanent regulations are thoroughly considered; and

WHEREAS, it is recognized that any Farm (CFO / CAFO Type II) uses for which approval has been sought prior to the effective date of a moratorium must be allowed to complete the approval process and be placed in operation per Indiana Code Section 36-7-4-1109; and

WHEREAS, the Bartholomew County Plan Commission has given proper consideration to this matter and the input of the public and has, through General Resolution 2014-01, recommended the establishment of a moratorium.

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

SECTION 1: Moratorium Established

The approval and/or establishment of any new or expanded Farm (CFO / CAFO Type II) uses in Bartholomew County, as defined by the Bartholomew County Zoning Ordinance, is prohibited (1) for one year from the effective date of this ordinance or (2) until final action on the recommendations of the Bartholomew County CAFO Regulation Study Committee has been taken by the Bartholomew County Board of Commissioners, whichever occurs first.

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 provisions, 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 not be affected.

SECTION 4: Effective Date

This ordinance shall be in full force and effect on the date of its approval.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA ON FIRST READING THIS ____ DAY OF
_____, 2014.**

Carl H. Lienhoop, Chairman

Larry S. Kleinhenz, Member

Richard A. Flohr, Member

ATTEST:

Barbara J. Hackman, Auditor
Bartholomew County, Indiana

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW
COUNTY, INDIANA ON SECOND READING THIS _____ DAY OF _____,
2014.**

Carl H. Lienhoop, Chairman

Larry S. Kleinhenz, Member

Richard A. Flohr, Member

ATTEST:

Barbara J. Hackman, Auditor
Bartholomew County, Indiana

