

COMMISSIONERS' MEETING
April 25, 2016

The Bartholomew County Commissioners met in regular session on April 25, 2016 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Rick Flohr, Larry Kleinhenz and Carl Lienhoop were present. County Attorney J. Grant Tucker and County Auditor Barbara Hackman were also in attendance.

Chairman Flohr called the meeting to order and County Assessor Lew Wilson gave the Invocation and led the Pledge of Allegiance.

The first item on the agenda was the approval of the April 18, 2016 Commissioners' Meeting Minutes. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Kleinhenz seconded the motion that passed unanimously.

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

The next item was weekly reports. Commissioner Lienhoop read the New Permit Report dated 4/18/16 to 4/22/16. Forty-one (41) permits had been issued with fees collected of \$5,504 and estimated construction costs of \$2,982,220.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: put up signs; patched roads; ground stumps; crack-sealed at The Meadows; ditched and put in driveway pipes on 775E, 500N and 450E; fixed washouts; hauled mulch to Youthcamp; and used the dozer and ditcher on Seymour Road.

Mr. Hollander presented an agreement with **Duncan Robertson, Inc.** (Scottsburg) for their winning bid for the **replacement of Bridge #16** on 750E over Little Sand Creek in Rock Creek Township. Their bid of \$567,386.70 was accepted on April 18, 2016. Commissioner Lienhoop motioned to sign the agreement. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Mr. Hollander gave his recommendations on **hot mix, cold mix and liquid asphalt bids** opened last week. All bids were priced per ton. He recommended accepting the only bid for **cold mix** materials from **US Aggregates**.

#11 Pug Mill Mix	\$48.00 per ton
#9	\$48.00 per ton
AWP 300	\$85.00 per ton

He recommended accepting quotes from two of the three bidders for **hot mix**, as follows:

<i>Item Description</i>	<i>Globe Asphalt</i>	<i>Milestone</i>
25 mm Base	\$40.00	\$44.00
19 mm Intermediate	--	\$44.50
12.5 mm Intermediate	\$43.00	\$46.00
12.5 mm Surface	\$44.00	\$46.00
9.5 mm Surface	\$45.00	\$46.75
HPCM 300	\$130.00	\$130.00

He recommended accepting the quote from one of the two bidders for liquid asphalt:

<i>Item Description</i>	<i>Asphalt Materials, Inc.</i>		
	<i>Job Site</i>	<i>Co. Storage</i>	<i>Plant</i>
RS-2 (Chip & Seal)	\$304.80	\$303.60	--
AE-90 (Dura-Patcher)	\$304.80	\$303.60	--
AE-PL	\$328.80	--	\$325.00
SS-1h/AE-T (Tack Oil)	--	--	\$384.00
AE-90S (Chip & Seal)	\$444.00	\$442.80	--
AE-F (Fog Seal)	\$281.04	\$279.84	--

Commissioner Kleinhenz motioned to award to the bidders of hot mix, cold mix and liquid asphalt materials, as recommended. Commissioner Lienhoop seconded the motion that passed unanimously.

Mr. Hollander also presented a Letter of Understanding from INDOT notifying the county of the **Official Detour for Closure of S.R. 9** for bridgework. The closure is expected to last a month, beginning July 5th. The official detour will be 25th Street to US 31 to SR 252 to SR 9. The unofficial detour will be CR 775E to CR 800N to SR 9. Commissioner Kleinhenz made a motion to approve the official detour. Commissioner Lienhoop seconded the motion that passed unanimously.

For the next item of business Heather Siesel introduced the new Education Coordinator, Kari Spurgeon, and presented the **Recycling Center Volumes Report** for March, 2016, which included year-to-date residential, commercial and satellite location recycling volumes and the volumes received at the landfill reuse center. Volumes appear steady and average for the year. One notable item came on the Totals page for Yard Waste-Brush. The volume was nearly double over the previous two months' average due to high winds in March. She said the Friday Loading Program has started and will continue through the end of October.

Brenda Mijares from the Prosecutor's Office presented the next item. The Indiana Prosecuting Attorneys Council ("IPAC") has approved the application submitted by County Prosecuting Attorney Bill Nash and awarded \$3,885.99 from its **Drug Prosecution Fund**. The funds will be used to purchase surveillance equipment for JNET, the Joint Narcotics Enforcement Team. Commissioner Kleinhenz motioned to accept the grant money into a ledger number (#732) assigned by the Auditor's Office. Commissioner Lienhoop seconded the motion that passed unanimously.

Youth Services Center Director Anita Biehle presented a request to purchase ten (10) **electronic monitoring cell units for juveniles** on home arrest. **BI Inc.** provided a quote. The HomeGuard transmitting units are \$1,800 each plus a Telco \$250 per-unit hookup fee to the community corrections server for a total of \$20,500. The purchase would be fully funded from JDAI grant money already obtained from IDOC. Chairman Flohr motioned to approve the purchase agreement. Commissioner Lienhoop seconded the motion that passed unanimously.

For the next item of business, the Commissioners asked for elected officials and department heads to temporarily "**give up**" **their parking spaces** on the North side of the building from Monday, May 2nd, through May 10th, to accommodate taxpayers. Chairman Flohr made the motion to accommodate the taxpayers. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next agenda item was the monthly **Animal Control Report** for March, 2016, submitted by Animal Control Officer Mark Case. Commissioner Kleinhenz read the

report as follows: there were 72 cases, 23 animals were picked up, 97 audits, 2 violations, 2 fines, 1 bite case, 4 door hangers placed, 4 reclaimed animals, and 6 traps loaned to the public. The two vans traveled a total of 3,877 miles in March. Commissioner Kleinhenz motioned to accept the report, as submitted. Chairman Flohr seconded the motion that passed unanimously.

Commissioner Lienhoop acknowledged the receipt of the **Clerk's Monthly Report** for the month of February, 2016, documenting receipt of bond payments, judgements, fines, etc. He motioned to accept the report, as submitted by Jay Phelps. Commissioner Kleinhenz seconded the motion which passed unanimously.

Auditor Barbara Hackman gave an update on the **LOIT distribution** from the state. The passage of the Senate Enroll Act 67 has authorized the action and directs the use of funds. There will be a one-time supplemental distribution totaling \$6,776,783.13 to be used by the county, city and towns specifically for road maintenance (75%) and the remaining 25% to be at the recipient's discretion. Each taxing unit will receive their portion through CAGIT or CEDIT. The County Unit will receive and deposit \$2,485,667.22 into its CAGIT and CEDIT accounts. The Auditor's Office is to distribute the monies by June 1, 2016.

The last item of business was a continuation of last week's discussion of the recommendations made by the Plan Commission ("PC") regarding **CFO/CAFOs** zoning requirements. Planning Department Director Jeff Bergman presented a chart of those zoning recommendations. (*See attached*) The outcome of the process will be an amendment of the county's zoning regulations ordinance. He stated the Commissioners' deadline for acting on them is Tuesday, June 7th, (90 days from PC's March 9th meeting). If no action is taken, then the PC revisions become effective by default.

First reading of the amended ordinance was scheduled for the May 9, 2016 Commissioners' Meeting. The second reading was tentatively scheduled for the May 23, 2016 Meeting.

The revisions chart suggests a more stringent setback requirement (500 feet) than is stipulated by IDEM's 100 feet from the facility to an onsite well and 300 feet from an offsite well.

Regarding all revisions listed on the chart, existing facilities would be grandfathered and not affected. However, any expansion of an existing facility would fall under the new restrictions of the amended ordinance. In the case of improvements being erected on neighboring property *after* the establishment of a CFO facility, the CFO and any expansion would *not* be subject to minimum separation distance to any residential properties, farm dwellings, specified community facilities or wells established *after* the CFO facility.

Contrary to the CAFO Study Committee's recommendation to consider CFOs as a Permitted Use, the PC recommended no change to the current ordinance and maintained that any CFO proposal proceed as a Conditional Use and be subject to case-by-case review by the Board of Zoning Appeals ("BZA"). An application going before the BZA as a Conditional Use could open the possibility of variances to the ordinance, but also allows for public comment and representation. The Permitted Use classification is more well-defined when it comes to meeting criteria and subsequent approval, although, Mr. Bergman said that variances could still be requested.

Lesser setback distances would be given to agriculture-zoned residential structures (500 feet) compare to the more stringent setback provisions for specified community facilities (1,320 feet). The reasoning was that the frequent occurrence of homes would virtually eliminate the advancement of the county's CFO industry.

There was additional discussion about setbacks when adjoining land tracts are owned by the CFO owner, findings from Purdue University's Dr. Albert J. Heber's study, statements of actual experiences with malodorous effects of CFOs, etc. The audio recording of the entire 60-minute discussion can be accessed via the county's website at www.bartholomew.in.gov.

The next Commissioners' Meeting will be held on Monday, May 2, 2016 at 10:00 a.m. in the Commissioners' Chambers. There being no other business, the meeting was adjourned at 11:30 a.m.

BARTHOLOMEW COUNTY
COMMISSIONERS

RICHARD A. FLOHR, CHAIRMAN

ATTEST:

LARRY S. KLEINHENZ, MEMBER

BARBARA J. HACKMAN

CARL H. LIENHOOP, MEMBER

Bartholomew County Zoning Ordinance CFO/CAFO Revisions Summary

As Recommended by the Bartholomew County Plan Commission on March 9, 2016 (General Resolution 2016-01)

Prepared by: City of Columbus - Bartholomew County Planning Department

Standard / Question	Current Zoning Ordinance Requirement	Plan Commission Recommendation	Effect
1 Should CFO Regulations be based on the number and type of animal?	No	No	No Change
2 Should CFOs be Limited to only the AP (Agriculture Preferred) Zoning District	No	No	No Change
3 Minimum Setback: CFO to Residential Zoning District	1/2 Mile (2,640 Feet) (CFO Structure to Zoning Boundary)	1/2 Mile (2,640 Feet) (CFO Structure to Zoning Boundary)	Decreased Requirement
4 Minimum Setback: CFO Structure to School / Health Care Facility Property Line	None	1/4 Mile (1,320 Feet)	Increased Requirement
5 Minimum Setback: CFO Structure to Worship Facility Property Line	None	1/4 Mile (1,320 Feet)	Increased Requirement
6 Minimum Setback: CFO Structure to Recreational Facility Property Line	None	1/4 Mile (1,320 Feet)	Increased Requirement
7 Minimum Setback: CFO Structure to Residential Lot in Ag. Zone (5 acres or less) Property Line	None	500 Feet	Increased Requirement
8 Minimum Setback: CFO Structure to a Residence in an Ag. Zone (on a lot of more than 5 acres)	None	500 Feet (CFO Structure to Residential Structure)	Increased Requirement
9 Minimum Setback: CFO Structure to any Wall	None	500 Feet	Increased Requirement
10 Minimum Setback: CFO Structure to a State Highway	None	None	No Change
11 Minimum Setback: CFO Structure to Lot Line of Property on which it is Located	100 Feet	100 Feet	No Change
12 Minimum CFO Lot Size	5 Acres	10 Acres	Increased Requirement
13 Should CFOs be Considered Permitted Uses, Conditional Uses, or a Combination of Both?	Conditional Uses Always	Conditional Uses Always	No Change
14 Should there be a "Good Character" Requirement for CFO Operators?	No	No	No Change
15 Should there be a "Financial Responsibility" Requirement for CFO Operators?	No	No	No Change
16 Should an IDEM Permit be Required Prior to Local Zoning Compliance Approval?	No	No	No Change
17 Should Notice to Neighboring Property Owners be Provided, in Addition to any Conditional Use Notice?	No	No	No Change