

COMMISSIONERS' MEETING

September 14, 2020

The Bartholomew County Commissioners met on September 14, 2020, in the Information Technology Conference Room of the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Carl Lienhoop, Rick Flohr and Larry Kleinhenz were present. Attorney Grant Tucker was not present. Auditor Pia O'Connor was present through Zoom meeting.

Commissioner Lienhoop called the meeting to order.

In addition to the above listed people, the following were present at the meeting:

County Administrator Tina Douglas	Information Technology Director Scott Mayes
Environmental Health Director Link Fulp	

In attendance via Zoom were:

Tax Administrator Chris West, Auditor's Office	Engineer Danny Hollander
Nursing Director Amanda Organist	Recorder Tami Hines
Ashley Beckort, Planning Department	Planning Director Jeff Bergman
Soil & Water Director Heather Shireman	Work Release Director Rob Gaskill
Trena Carter, ARa	John Clark, White River Broadcasting
Dana DeSignore	Assessor Ginny Whipple
Charlie Day, DLZ	Tony London
Scott Wothke, City Utilities	Jail Commander John Martoccia
Mark Webber, The Republic	Councilman Jorge Morales
David Doup, Taylor Brothers	

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

The first order of business was the approval of the September 3, 2020 Commissioners' Meeting Minutes. Commissioner Flohr motioned to approve the minutes as presented. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the approval of claims. Commissioner Kleinhenz motioned to approve the claims as presented. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the weekly permit report as read by Commissioner Lienhoop:

<i>Time frame</i>	<i>New permits</i>	<i>Fees</i>	<i>Value</i>
<i>8/31/20 to 9/04/20</i>	<i>26</i>	<i>\$2,721</i>	<i>\$1,794,780</i>
<i>9/08/20 to 9/11/20</i>	<i>20</i>	<i>\$3,734</i>	<i>\$1,436,554</i>

The next item was the County Highway Weekly Crew Report presented by Engineer Danny Hollander. The following work had been done: Replaced culvert pipes on Heflin Park Road, 400 E and 2 pipes on 250 E; replaced driveway pipes on Deaver Road and on 400 W; patched roads; picked up trash and mowed in Harrison, Ohio & Wayne Townships.

The next item was the Consideration of an Amendment to an Agreement for Cooperative Action Between the City of Columbus, Indiana and Bartholomew County, Indiana as follows:

Amendment to Agreement with the City of Columbus for replacement of Bridge #103. The City has an improvement project for Talley Road between Rocky Ford Road and 25th Street where there is a County owned bridge (Bridge #103) that does not meet the design specifications.

<i>Total cost</i>	<i>\$228,100</i>
<i>City paying 80%</i>	<i>\$182,480</i>
<i>County reimbursing 20%</i>	<i>\$ 45,620</i>

The original Agreement was signed December 26, 2018 by the County, but not by the City.

Engineer Hollander explained that he had hand delivered this to the City in 2018 but it was never signed by the Board of Works. They have reviewed it and corrected it to fit the project. The County will pay the 20% match. Commissioner Kleinhenz motioned to approve the Amendment to the Agreement for Cooperative Action between the City of Columbus, Indiana and Bartholomew County, Indiana as presented subject to County Attorney Tucker’s approval. Commissioner Lienhoop seconded the motion. Mark Webber asked for more detail on this project. Engineer Hollander stated that the City is upgrading the road and the bridge has to be updated to match. The Commissioners

noted the progress at the new Highway Garage site. They have worked on a ditch to catch any runoff water before it flows to the Royal View Addition.

The next item was the Consideration of a Grant Application for the Environmental Health Department as presented by Director Link Fulp. Director Fulp explained that this is a Grant Application through the Indiana State Department of Health (ISDH) which has allocated \$14,500,000 in CARES Act Funding for any Information Technology needs specific to Local Health Departments. This grant includes money for IT hardware, software, internet, digital data, etc. The amount requested is \$167,404.77. Auditor O'Connor stated that this is not a part of the original CARES Act funding in the amount of \$2,600,000. She stated that Circuit Court had received a reimbursable grant through the Indiana Criminal Justice Institute (ICJI) for Coronavirus Emergency Supplemental Funding in the amount of \$187,028.50. Commissioner Flohr motioned to sign the grant application as presented. Commissioner Lienhoop seconded the motion which passed unanimously.

The next item was a Public Hearing on a Request to Apply for a Community Development Block Grant (CDBG) Request for the Garden City Mobile Home Community for a water line as presented by Trena Carter, ARA Municipal Programs Manager, as follows:

Public Notice was given that on November 20, 2020, Bartholomew County intends to apply to the Indiana Office of Community and Rural Affairs for a Grant from the State Community Block Grant (CDBG) Wastewater/Drinking Water Program. The funds will be used for a Community Development Project which consists of a waterline to an unserved area described as the Garden City Mobile Home Community.

Bartholomew County, through the Board of Commissioners, will hold a Public Hearing on Monday, September 14, 2020 at 10:00 a.m.

There was an official roll call. Due to issues with a connection, Chairman Lienhoop moved on to Work Release Director Rob Gaskill.

The next item was a Proposal of an Agreement for Work Release regarding the Prison Rape Elimination Act (PREA) Audit as presented by Work Release Director Rob Gaskill. In the April 22, 2019 Commissioner's Meeting, a reimbursable grant application for Community Corrections through the Indiana Criminal Justice Institute (ICJI) for \$4,000 to fund the cost of the Prison Rape Elimination Act (PREA) audit, which is required every three years for operation work release programs, was approved.

“All confinement facilities covered under the Prison Rape Elimination Act (PREA) standards must be audited at least once during every three-year audit cycle to be considered compliant with the PREA standards, with at least one third of each facility type operated by an agency, or private organization on behalf of an agency, audited each year of the three-year audit cycle. These include adult prisons and jails, juvenile facilities, lockups (housing detainees overnight), and community confinement facilities, whether operated by the Department of Justice of unit of a state, local, corporate, or nonprofit authority.”

Director Gaskill stated that there are very few auditors that will come to Indiana to perform the audits. Community Confinement Facilities (Work Release) are now required to have their audit and he had received the following 2 quotes:

<i>Confinement Safety, LLC (Indianapolis, IN)</i>	<i>\$3,000</i>
<i>Diversified Correctional Services, LLC (South Georgia – Nationwide)</i>	<i>\$4,900</i>

Commissioner Lienhoop motioned to accept the low bid from Confinement Safety, LLC for \$3,000. Commissioner Kleinhenz seconded the motion which passed unanimously.

Chairman Lienhoop went back to the Community Development Block Grant agenda item. (Council member Jorge Morales had joined the meeting) Trena Carter, ARa, stated that this is a grant to get water hookup to the Garden City Mobile Home Community. The proposal is due September 24, 2020 with the full application being due November 20, 2020. Chairman Lienhoop opened the Public Hearing portion of the meeting. Hearing no comments either through the Zoom meeting or the chat block, the Public Hearing portion was closed. Commissioner Kleinhenz motioned to approve ARa to move forward with this Grant Application for this project. Commissioner Flohr seconded the motion which passed unanimously.

The next items were the Consideration of Change Orders for Bartholomew County’s new Highway Garage as presented by David Doup of Taylor Brothers (Construction Manager). The changes are as follows:

No Liquidated Damages Change Orders

Eight (8) Change Orders for liquidated damages (construction contract and chargeables against funds due to the contractor for each day the contractor fails to complete the project beyond the contract completion date). Delete this item in its entirety. There will be no liquidated damages. No sum change in the contracts. This is just to clean up a penalty clause that was not supposed to be in the contracts.

Companies with this Change Order:

- 1. Milestone Contractors*
- 2. Force Construction Co, Inc.*
- 3. Circle R Mechanical, Inc.*
- 4. Gaylor Electric, Inc.*
- 5. Overhead Door Company of South Central Indiana*
- 6. Larry Mohr Construction, Inc.*
- 7. Made Rite Fence*
- 8. Midwest Maintenance and Construction*

Commissioner Flohr motioned to approve the changes to the language as presented. Commissioner Kleinhenz seconded the motion which passed unanimously. Commissioner Kleinhenz stated that their goal had been to use as many local companies as possible and the list above proves we did. Mr. Doup thanked everyone for their assistance and great work on this project.

Force Construction Change Order

Change Order No. BC03-CO03 with Force Construction for savings for the redesigned footings based off of Butler’s reactions. Decrease amount of -\$4,136.00.

<i>Contract Sum</i>	<i>\$1,553,010.54</i>
<i>Decrease Amount</i>	<i>-\$4,136.00</i>
<i>New Contract Amount</i>	<i>\$1,548,874.54</i>

Larry Mohr Construction, Inc. Change Order

Change Order No. BC07-CO02 with Larry Mohr Construction for the following:

- 1. To pour 24x10 footing & 8”x5’ foundation walls
on 3 sides above grade, in place of perma-columns
(Building 1) – Increase of \$23,562*

2. To pour 24x10 footing & 8"x5' foundation walls On 3 sides above grade, in place of perma-columns (Building 2) – Increase of	\$20,938
<i>Contract Sum</i>	\$335,924
<i>Increase Amount</i>	\$44,500
<i>New Contract Amount</i>	\$380,424

Mr. Doup stated that they had gotten into some soil that created issues with the footers.

Commissioner Kleinhenz motioned to approve the 2 Change Orders as presented. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the Consideration of Subdivisions presented by Ashley Beckort of the Planning Department as follows:

Meadow Lawn Industrial Park Major Subdivision – Final Plat Phase 1 (EBC-MAS-2020-001): A request by Meadow Lawn Farms, Inc. to create 2 additional lots (Lots 5 & 6) and dedication the Right-of-Way for Executive Drive.

1. *Approve/Sign the Subdivision Improvement Agreement with cost estimates for road improvements for the Executive Drive extension.*
2. *The road has been constructed, and the maintenance bond has been provided to the County Highway for the road improvements. Approve/Sign the plat accepting the road Right-of-Way, the road improvements, and allowing these lots to be created.*

Commissioner Kleinhenz motioned to approve the Meadow Lawn Industrial Park Major Subdivision – Final Plat Phase 1. Commissioner Flohr seconded them motion which passed unanimously.

Meadow Lawn Industrial Park Minor Subdivision Replat (EBC/AD-2020-001): A request by Meadow Lawn Farms, Inc. to dedicate Right-of-Way along Lot 4 (per Plan Commission’s Approval of Preliminary Plat Phase 2).

1. *Approve/Sign the plat accepting the Right-of-Way along CR 800 N and the US 31 intersection.*

Commissioner Kleinhenz motioned to approve the Meadow Lawn Industrial Park Minor Subdivision Replat. Commissioner Flohr seconded them motion which passed unanimously. Commissioner Kleinhenz amended his motion regarding the Meadow Lawn Industrial Park Major Subdivision – Final Plat Phase 1 to include the Improvements Agreement as well. Commissioner Flohr seconded the amended motion which passed unanimously.

The next item was the First Reading of the Consideration of an Ordinance Amending the Columbus & Bartholomew County Zoning Ordinance for the Jurisdiction of Bartholomew County as presented by Planning Director Jeff Bergman. Director Bergman stated that as of 2008, the City and the County have shared a Zoning Ordinance. Today, they are looking at businesses that are closely located to residential homes. The City, in attempting to make those small corporate areas more compatible with the residential areas, have passed several changes. This same issues exist in Waymansville and Grammer. They have cut down the City list to make it more appropriate for the County areas as follows:

1. *Making uses that are likely inconsistent with a neighborhood setting, such as fitness centers, night clubs, bars, parking lots, athletic complexes, and liquor stores conditional or prohibited in the CN zoning district.*
2. *Prohibiting businesses with drive-up windows (due to the increased traffic, noise and exhaust from idling cars, etc.).*
3. *Requiring a minimum of 4 bicycle rack spaces at businesses (an increase over the current 0 to 4 sliding scale based on parking lot size).*
4. *Including a requirement that a sidewalk be provided from any road-side public sidewalk to the building entrance (the requirement would be triggered very infrequently in the county due to the lack of sidewalks along roads). Further, this proposed revision applies to all Multi-Family, Residential, Commercial, Public/Semi-Public and Industrial zoning districts, not just the CN district.*
5. *Reducing the maximum size and number of wall signs allowed.*

Director Bergman stated that they are also looking at changes regarding flood zones, public airports and homes that are outside of a residential district. The Plan Commission forwarded a favorable approval of the above 5 listed items. The Public Hearing portion of the meeting was opened. Tony

London asked if these changes were the result of any complaints? Director Bergman stated that yes, as far as the City Jurisdiction. There have been no complaints in the County Jurisdiction. Mr. London stated that right now is a tough time to be a business owner and if there are no complaints in the County, questioned why we would want to add more restrictions. Director Bergman stated that they are trying to keep the shared Zoning Ordinance as consistent as possible. Chris West, German Township Trustee, asked if this would affect a new office his Township plans to build in which case they desire to go to a drive-through Office. Director Bergman stated that he believes it is a different zoning and would not be affected. Commissioner Kleinhenz stated that a variance could be filed if it was effected by this Ordinance. Hearing no further comments, the Public Hearing portion of the meeting was closed. Commissioner Flohr had Director Bergman clarify item #1 regarding fitness centers. Commissioner Kleinhenz stated that this is to protect the homeowners that have a business that moves in across the alley or street. Commissioner Lienhoop stated that a good example is the Zwanzig Pizza restaurant. By being around residential homes, they have different hours than a standard bar has. Commissioner Flohr stated that he used to live in that neighborhood and Zwanzigs was formerly a drug store, that also worked well with the residential neighborhood. Commissioner Flohr motioned to approve the Ordinance on First Reading. Commissioner Kleinhenz seconded the motion which passed unanimously. The Second Reading will be next week. Mark Webber asked for a copy of the Ordinance via email, as well as John Clark.

The next item was the Second Reading of the Consideration of an Ordinance Permitting the Bartholomew County Extension Educator to Serve as a Member of the Bartholomew County Plan Commission until October 1, 2021 as follows:

Indiana Senate Bill 20, passed by the Legislature and effective on July 1, has made some changes to the Indiana Code with regard to the eligibility of the Purdue Extension educator to serve as a member of a County Plan Commission. The Code has long required that the extension educator be a member of the Commission. However, a residency requirement has now been added. If the extension educator is not a resident of the County they are no longer permitted to serve in a voting capacity, but would remain involved as an advisor. The County Extension Board must instead select a "resident of the County who is a property owner with agriculture interest" to serve on the Commission. These provisions can be found in IC 36-7-4-208.

Cora Carter, the Bartholomew County Extension Educator, is a resident of Jackson County, and therefore will become ineligible to serve on the County Plan Commission.

The County Commissioners are involved in this change due to their role in a transition period included as a part of Senate Bill 20. An extension education who is not a county resident is allowed to continue to serve on the Plan Commission until October 1, 2020, unless the County Commissioners adopt an Ordinance that would allow that service to extend until October 1, 2021. After that time, the Extension Board must name a replacement. Ms. Carter has stated that she would be willing to serve until 2021, if the Commissioners would choose to extend the transition period.

This Ordinance will extend the service of the Extension Educator on the Plan Commission through October 1, 2021.

The Public Hearing portion of the meeting was opened. Hearing no comments, the Public Hearing portion was closed. Commissioner Flohr motioned to Accept on Second Reading the Ordinance as presented. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the First Reading of the Consideration of an Ordinance Amending Ordinance 2008-7 Soil Erosion and Sedimentation Control from areas undergoing development in Bartholomew County, Indiana as presented by Soil & Water Director Heather Shireman. (See attached Exhibit A). The meeting was opened for Public Comment. Hearing no comments, the Public Comment portion of the meeting was closed. Commissioner Kleinhenz asked how this issue was found. Director Shireman stated that IDEM had recommended the changes. Commissioner Kleinhenz motioned to accept on First Reading the Ordinance Amending Ordinance 2008-7. Commissioner Flohr seconded the motion which passed unanimously. The Second Reading will be in two weeks on September 28th.

The next item was a Proposal for an Agreement with CCS Presentation Systems for the new Council Chambers Zoom System. The proposal includes the equipment and installation of the Zoom Room with the following equipment: one 98” wall mounted monitor, one 43” articulated mounted monitor and one 24” interactive touch screen monitor as well as all required additional hardware and installation. This will be paid for from CARES Act funding as this is creating a Zoom Room due to the COVID-19 pandemic. There were 2 bids:

CCS Presentation Systems

<i>Equipment and Installations</i>	<i>\$32,238.79</i>
<i>CDW</i>	
<i>Equipment ONLY</i>	<i>\$20,483.98</i>

Commissioner Lienhoop motioned to award the bid to CCS Presentation Systems for \$32,238.79 as it was the only complete bid. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the Proposal for one 2020 Van for the Animal Control Department to be paid out of the Commissioner’s Budget. The following quotes were received:

<i>Uebelhor & Sons Chevrolet (Jasper)</i>	<i>Van on lot & available now</i>	
<i>1 – 2020 Chevrolet Express 2500 Van – White</i>		<i>\$24,315.25</i>
<i>Country Chevrolet Buick (North Vernon)</i>	<i>would be 1 year before available</i>	
<i>1 – 2021 Chevrolet Express 2500 Van – White</i>		<i>\$28,999.00</i>
<i>Columbus Auto Group - Chevrolet of Columbus (Columbus)</i>		
<i>1 – 2020 Chevrolet Express 2500 Van – White</i>		<i>\$30,959.18</i>

They will be giving the current Animal Control van to the Maintenance Department. Commissioner Flohr motioned to accept the low bid from Uebelhor & Sons Chevrolet of Jasper, Indiana for \$24,315.25. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the Ratification of a Repair to the Jail air conditioning system as presented by Jail Commander John Martoccia. This AC unit was for the basement. This is with Dunlap General & Mechanical Contractors of Columbus. They found a failed compressor, ordered the replacement, utilized a crane to remove the bad compressor and set the new compressor and verified it was working properly. The work was completed June 1, 2020. The total of the invoice was \$13,120.00. Commissioner Lienhoop motioned to Ratify the Expenditure with Dunlap for \$13,120.00. Commissioner Flohr seconded the motion which passes unanimously.

The next item was the Consideration of a Request from 106.1 The River for use of the County Parking Lot for the 24th Annual Hot Rods and Rock & Roll Event as requested by Branch Manager Rich Anthony. The request is to use the parking lot located between 2nd and 3rd Streets and Franklin and Lafayette Streets for their annual event on Saturday, September 19, 2020 from 9 a.m. to 3 p.m. There will be half the vehicles and no concert. Commissioner Flohr motioned to approve the request

for the parking lot as presented. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the Treasurer’s Monthly Report for May of 2020. Commissioner Kleinhenz reviewed the report and motioned to accept the report as presented. Commissioner Lienhoop seconded the motion which passed unanimously.

The next item was a Ratification of an Expenditure for 4th Floor Door Locks. This was done by Security Pros for the Maintenance Department in the amount of \$3,813.16. Commissioner Lienhoop motioned to Ratify the expenditure with Security Pros for \$3,813.16. Commissioner Flohr seconded the motion which passed unanimously.

The Commissioners will meet again on **Monday, September 21, 2020 at 10 a.m.**

There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY
COMMISSIONERS

CARL H. LIENHOOP, CHAIRMAN

LARRY S. KLEINHENZ, MEMBER

RICHARD A. FLOHR, MEMBER

ATTEST:

PIA O’CONNOR

EXHIBIT A

ARTICLE II DEFINITIONS is amended to add:

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DEPARTMENT means the Bartholomew County MS4 Director, a staff member of the MS4 Department or a designee of the MS4 Director.

REPRESENTATIVE means the authorized representative of the MS4 Department assigned to make detailed observation of contract performance.

ARTICLE IV – SITE DEVELOPMENT APPROVAL is amended, revised and changed to read as follows:

A. Approval Required

Site development approval is required from the MS4 Department for Major Subdivisions; site plan reviews not part of a major subdivision with current site development approval; building permits for sites disturbing more than one (1) acre that are not part of a major subdivision or site plan review with current site development approval.

B. Application for Site Development

The applicant has the following responsibilities:

1. Complete a sufficient Notice of Intent letter per 327 IAC 15-5-5 and 327 IAC 15-5-6.
2. Ensure that a sufficient construction plan is completed and submitted in accordance with 327 IAC 15-5-6 and 327 IAC 15-5-6.5
3. Ensure compliance with this Ordinance and 327 IAC 15-5 during:
 - a. The construction activity; and
 - b. Implementation of the construction plan
4. Ensure that all persons engaging in construction activities on an approved project site comply with the application requirements of this Ordinance and the approved construction plan.
5. Notify the MS4 Department with a Sufficient Notice of Termination (NOT) letter.
6. Complete a Sufficient Site Development Permit Application.

C. Submissions

The NOI for the County and Stormwater Pollution Protection Plan are to be submitted to the County at:

MS4 Department
785 South Marr Road
Columbus, Indiana 47201

D. Review and Approval

Each application for site development approval shall be reviewed and acted upon according to the following procedures:

1. Construction plans shall be received by the MS4 Department for review by the MS4 Department and/or the consultant retained by the MS4 Department and the review and inspection fees will be remanded to the Storm Sewer operating account numbered 101019319. Upon preliminary review, the MS4 Department shall determine:
 - a. That the submittal is complete and sufficient pursuant to Article V of this Ordinance and direct the specific review of the submittal; or
 - b. That the submittal is deficient and lacks information pursuant to Article V of this Ordinance and therefore cannot be adequately reviewed; at which time:
 - i. The developer will receive written notice of those specific deficiencies of the submittal; and/or
 - ii. Be invited to meet with the County or its qualified representative to discuss specific deficiencies of the submittal.
2. Construction plan review shall be carried out within the number of work days shown in Table 1. If there has been no notifications or request for more information within that time, application shall be assumed complete and approved on the following work day.
3. Upon completion of a review, the applicant shall be notified in writing that the submitted construction plan:
 - a. Fulfills the requirements of this Ordinance and constitutes site development approval so long as a Notice of Intent is submitted to the MS4 Department and IDEM at least 4 (four) hours prior to commencement of construction activities; or
 - b. Does not meet the requirements of this Ordinance and therefore does not warrant the issuance of a site development approval.

E. Appeals

The applicant or any person or agency which receives notice of the filing of the application, may appeal the decision of the MS4 Department as provided in paragraph D (3) of the Article IV, to the Board of County Commissioners. Upon receipt of an appeal, the County Commissioners shall schedule and hold a public hearing, after providing the applicant a minimum (15) day notice thereof. The County Commissioners shall give such notice of such public hearing as it deems necessary and appropriate. The County Commissioners shall hear evidence at such hearings and render a decision within thirty (30) days after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible situation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainage ways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped.

F. Exceptions

Site development approval shall not be required for any of the following:

1. Development of a site of less than one (1) acre upon which no more than one (1) residential structure is to be built, or no more than one (1) commercial or industrial structure is to be built provided that the person responsible for any such development shall implement necessary erosion and sedimentation

control measures to satisfy the principles set forth in Article III of this Ordinance, and the County reserves the right to require such site development techniques as will insure satisfactory erosion and sedimentation control at such locations as determined by the MS4 Department representative.

2. Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District and including the construction of agricultural structures.
3. Installation, renovation or replacement of a sewer line, water line, or septic system to serve an existing structure pursuant to the prior approval of the Bartholomew County Health Department.
4. Installation, renovation or replacement of utility lines and appurtenances to serve an existing structure.

ARTICLE V. OPERATION STANDARDS AND REQUIREMENTS is amended, revised and changed to read as follows:

B. Responsibility

The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the County or the MS4 Department will not be made liable for such damage, by (1) issuance of a site development approval under this Ordinance, (2) compliance with the provisions of that site development approval or with conditions attached to it by the County, (3) failure of the County officials to observe or recognize hazardous or unsightly conditions, (4) failure of County officials to recommend denial of or to deny a site development approval, or (5) exemptions from the site development approval requirements of this Ordinance.

D. Inspection

1. The MS4 Department may inspect any project site involved in construction activities regulated by this Ordinance at any time. The County or its designated representatives may make recommendations to the project site owner or their representatives to install appropriate measures beyond those specified in the Storm Water Pollution Prevention Plan and Schedule to achieve Compliance.

G. Project Termination

2. The project site applicant shall submit a notice of termination (NOT) letter to the MS4 Department in accordance with the following:
 - a. Except as provided in subdivision b, the project site owner shall submit a NOT letter when the following conditions have been met:
 - i. All land altering activities, including construction on all building lots has been completed and the entire site has been stabilized.
 - ii. All temporary erosion and sediment control measures have been removed.
 - b. The project site applicant may submit a NOT letter to obtain early release from compliance with this Ordinance if the following conditions are met:
 - i. The remaining, unimproved acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.
 - ii. A map of the project site, clearly identifying all remaining unimproved lots is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot operators of all unimproved lots.
 - iii. All public and common improvements, including infrastructure, have been completed and permanently stabilized and all public improvements have been transferred to the County.

- iv. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
 - v. All permanent storm water quality measures have been implemented and are operational.
- 3. The NOT letter must contain a verified statement that each of the conditions in Article V Section G Subsection 2 have been met.
- 4. Following acceptance of the NOT letter and written approval from the County for early release under subsection 2, the project owner shall notify all current individual lot owners and subsequent individual lot owners of the requirement to:
 - a. Install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and
 - b. Maintain all erosion and sediment measures that are to remain on-site as part of the construction plan.
- 5. The MS4 Department may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements. If the inspecting entity finds that the applicant has sufficiently filed a NOT letter, the inspecting entity shall forward notification to IDEM, and the applicant shall no longer be responsible for compliance with this Ordinance.
- 6. After a verified NOT letter has been submitted for a project site, maintenance of the remaining storm water quality measures shall be the responsibility of the individual lot owner or occupier of the property.

H. Expiration of Site Development Approval

The expiration of a Site Development Approval shall be consistent with and engender the spirit of IC 36-7-4-1109. This may be overridden by the M54 Department or planning Director if there is a declared emergency by either responsible party or an approved County official. Source is IC 36-7-4-1109 Section 2.

ARTICLE VII – SITE DEVELOPMENT APPROVAL FEES is amended, revised and changed to read as follows:

A. Application Processing Fee

The Application Processing Fee for the applicant's Site Development Plan Review shall be Fifty Dollars (\$50.00).

B. Plan Review and Inspection Fee.

The applicant's Plan Review and Inspection Fee will be based upon the then-current hourly rate of the reviewer and/or inspector/consultant retained by the MS4 Department. This fee will be billed to the applicant prior to final site development approval. Final approval will not be granted until the fee is paid in full.

C. Time Period for Application Review

The time period for Application Review shall be as follows:

- 1. Sites of less than five (5) acres will be reviewed within ten (10) working days of receipt by the MS4 Department of the completed Site Review Application Packet.
- 2. Sites of five (5) acres or more will be reviewed within fifteen (15) working days of receipt by the MS4 Department of the completed Site Review Application Packet.

D. Deposit of Funds

All fees collected pursuant to this Ordinance shall be deposited in the Soil Erosion and Sediment Control Fund.

