

COMMISSIONERS' MEETING

October 14, 2019

The Bartholomew County Commissioners met in regular session on October 14, 2019, in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Rick Flohr, Larry Kleinhenz and Carl Lienhoop were present. Attorney J. Grant Tucker was also in attendance. Chief Deputy Auditor Dalene Pattingill attended on the behalf of Auditor Pia O'Connor who was absent.

Chairman Flohr called the meeting to order and gave the invocation and led the Pledge of Allegiance.

The first order of business was the approval of minutes from the 10/7/19 Commissioners' Meeting. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next was the approval of claims. Commissioner Kleinhenz motioned to approve the bi-weekly and monthly claims. Commissioner Lienhoop seconded the motion which passed unanimously.

Chairman Flohr read into the minutes the New Permit Report dated 10/7/19 through 10/11/19. Forty-three (43) permits were issued with fees collected of \$6,814 and estimated construction costs of \$4,159,255.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: patched roads; put up signs; replaced driveway pipe on 300S; replaced pipes on Country Club, Sunland Road, Moore's Vineyard, and 525W; extended pipes and ditched at the intersection of 700N and 1050E to make it wider, and; mowed in Flatrock and Jackson Townships.

Next, Planning Department Director Jeff Bergman presented a **dedication of right-of-way ("ROW") for the Brooke Case Minor Subdivision Replat (MI/P-19-10)**, totaling approximately 0.03 acres. The subject property is located at 9112 E CR 700N, in Flatrock Township. Tanner Case has requested to create one new lot for a total of two lots and an agricultural remainder of 16.15+/- acres. The County's Subdivision Control Ordinance requires dedication of ROW along frontages of newly created lots. Commissioner Kleinhenz motioned to

accept the dedication of ROW. Commissioner Lienhoop seconded the motion that passed unanimously.

Bergman also presented, for second reading, “**an ordinance amending the Columbus and Bartholomew County Zoning Ordinance for the jurisdiction of Bartholomew County.** The content of the ordinance is inserted here:

- Insert -

***Favorably Recommended by
Bartholomew County Plan Commission General Resolution 2019-02***

WHEREAS, on February 4, 2008 the Bartholomew County Board of Commissioners passed Ordinance No. 3, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of Bartholomew County; and

WHEREAS, since that ordinance's effective date of April 1, 2008 its effectiveness has been monitored, reviewed, and evaluated by the Bartholomew County Plan Commission and its professional staff; and

WHEREAS, this on-going review of the zoning ordinance was both an expected and planned component of its long-term maintenance, and periodic revisions to ensure its relevance and appropriateness have been anticipated; and

WHEREAS, the Plan Commission, acting through its professional staff, has prepared a set of revisions of the zoning ordinance that are intended to add additional clarity, address changes in Indiana law, and adjust the regulations to complement observations on contemporary development and land use practices; and

WHEREAS, the proposed zoning ordinance revisions were prepared for the purposes described by IC 36-7-4-601(c) including (1) the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways; and (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and

WHEREAS, the Bartholomew County Comprehensive Plan, adopted in a series of elements from 1999 through 2012, provides the policy guidance appropriate for the creation and periodic revision of the zoning ordinance; and

WHEREAS, the Plan Commission did, on August 14, 2019, hold a legally advertised public hearing on the zoning ordinance revisions and has certified a favorable recommendation to the County Commissioners; and

WHEREAS, the County Commissioners have considered the criteria listed by IC 36-7-4-603; including (1) the Comprehensive Plan, (2) the current conditions in each district, (3) the most desirable use for land in each district, (4) the conservation of property values, and (5) responsible growth and development.

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

SECTION 1: Zoning Ordinance Amended

The provisions of the Columbus & Bartholomew County Zoning Ordinance for the jurisdiction of

Bartholomew County are amended as follows:

- 1) *The applicable provisions of the Zoning Ordinance are repealed and replaced with the text provided by Exhibit "A" attached to and made a part of this ordinance, which includes amendments to the revisions recommended by the Plan Commission for the following topics:*
 - a) *Accessory Dwellings in Agricultural Zoning Districts and*
 - b) *Sign Brightness*
- 2) *All references, cross-references, tables of contents, lists of figures, and other organizational aspects of the Zoning Ordinance affected by the revisions indicated on the above referenced Exhibit "A" shall be corrected to accurately reflect those revisions.*

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 provision, 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 be unaffected.

SECTION 4: Effective Date

This ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

-End of Insert-

The proposed zoning ordinance amendments are documented in an 18-page Exhibit A. Said exhibit is made part of this ordinance as it was done so with the Plan Commission's Resolution #2019-02. Due to its length, Exhibit A is not included within these minutes, but may be viewed in its entirety in the Auditor's Office.

At the first reading of the ordinance during the 9/30/19 Commissioners' Meeting, Commissioner Kleinhenz had asked for consideration of two additional amendments. For agricultural zoning districts: (1) To lessen/remove square footage living area restrictions on accessory dwellings (e.g., mother-in-law quarters, granny flats, doddy houses), and; (2) remove the requirement of identifying *two* viable septic site areas within minimum area lots, instead of just one. The Exhibit A presented today included those changes recommended by Commissioner Kleinhenz.

Chairman Flohr opened the meeting for public comment. There being only a comment for clarification, Chairman Flohr then closed the meeting.

Commissioner Lienhoop moved to approve the ordinance on second reading. Commissioner Kleinhenz seconded the motion that passed unanimously.

Commissioner Flohr acknowledged receipt of the **Clerk's Monthly Reports** for August and September, 2019, signed by County Clerk Jay Phelps. He moved to accept the reports. Commissioner Kleinhenz seconded the motion which passed unanimously.

County resident Greg Henderson who resides at 1030 N CR 675 W, Columbus, expressed concern that the **ford crossing ("bridge") on 675W** (County Bridge #326) near his property is not successfully handling the runoff water load. The crossing began as a ford which allows water to flow over the road. However, its surface elevation has increased over time due to repeated repairs to damaged pavement. Henderson said runoff water is coming closer to his structures than ever before. The last time, his structure was threatened when water came within inches of his shop building. Engineer Hollander said that the county had planned to correct the alignment, but right-of-way could not be obtained from an adjacent property owner. The plan was returned to DLZ to redesign without the additional right-of-way, delaying the work until Spring 2020. The plan is to raise the road and put in a box culvert.

The next Commissioners' Meeting will be held on Monday, October 21, 2019, at 10:00 a.m. in the Commissioners' Chambers. There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY
BOARD OF COMMISSIONERS

RICHARD A. FLOHR, CHAIRMAN

ATTEST:

LARRY S. KLEINHENZ, MEMBER

PIA O'CONNOR

CARL H. LIENHOOP, MEMBER