

COMMISSIONERS' MEETING

January 11, 2016

The Bartholomew County Commissioners met in regular session on January 11, 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 was also in attendance. County Auditor Barbara Hackman was absent, but was represented by her Chief Deputy Sandra Beatty.

Chairman Flohr called the meeting to order and Commissioner Lienhoop gave the Invocation and led the Pledge of Allegiance.

The first item on the agenda was the approval of the January 4, 2016 Commissioners' Meeting Minutes. Commissioner Kleinhenz made a motion to approve the minutes. Commissioner Lienhoop seconded the motion that passed unanimously.

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

The next item was weekly reports. Chairman Flohr read the New Permit Report dated 1/4/16 to 1/11/16. Thirty-one (31) permits had been issued with fees collected of \$7,994 and estimated construction costs of \$3,400,010.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: patched roads; put up signs; pulled stone back into place along 800S and 150E; picked up trash; trimmed trees along 150E; removed cement wall at 425E north of 450N; and cut down trees on 950N and 625E. He also submitted the December 2015 Monthly Crew Report, including crew work, status of bridge and road projects and crew priorities for January.

Mr. Hollander requested approval on a **Notice to Bidders** for the rebidding of one (1) new 2014-2016 5500 white **dump truck**. The notice will be advertised in The Republic Newspaper on January 21st and January 28th leading up to the opening of bids on February 8, 2016 at 10:00 a.m. Commissioner Kleinhenz motioned to approve the notice. Commissioner Lienhoop seconded the motion that passed unanimously.

Mr. Hollander also presented a Letter of Understanding from **INDOT** advising the County of their designation of a mutually acceptable **unofficial detour** for its plans to close SR 252 from I65 to CR 200W for reconstruction. Roads impacted in the unofficial detour include CR 800N, CR 50W and CR 650N. INDOT agrees to reimburse Bartholomew County for the cost related to damage repair to these county roads while it is being used as the unofficial local detour. Commissioner Lienhoop motioned to sign the Letter of Understanding establishing the unofficial detour terms with INDOT. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, IT Director Jeff Wehmiller presented expenditures approved at that morning's Data Board meeting, as follows:

| <u>Vendor</u> | <u>Product/Service</u> | <u>Cost</u> | <u>Budgeted</u> |
|--------------------------|----------------------------------|--------------|-----------------|
| Matrix Integration | On-site failover testing | \$ 1,050.00 | No |
| Solar Winds | Helpdesk software - maintenance | \$ 2,044.00 | Yes |
| Windstream/Mitel | Phone system - monthly lease pmt | \$ 6,785.87 | Yes |
| Software Solutions, Inc. | VIP software - yearly maint. fee | \$ 14,442.35 | Yes |
| Computer Systems, Inc. | CSI software - yearly maint. Fee | \$ 10,000.00 | Yes |

Commissioner Kleinhenz motioned to ratify the IT expenditures. Commissioner Lienhoop seconded the motion that passed unanimously.

The next item was the consideration of an **Ordinance Amending the Official Zoning Map**, Rezoning the Subject Property From "AP" (Agricultural: Preferred) to "CRc" (Commercial: Regional Center with Commitments) to be known as the **Bruce Nolting Commercial Rezoning**, Plan Commission Case No. RZ-15-02. *(See attached)* Planning Department Director Jeff Bergman explained that the owner, Bruce Nolting, proposes to rezone a 41.68+/- acre area generally located at the southwest corner of the intersection of US 31 and State Road 46. The property also has frontage on State Road 7 along its southern property line. Mr. Nolting has indicated that he would like to prepare the property for future commercial development, but at this time does not have any likely buyers or intended commercial uses for the location.

At its December 9, 2015 meeting, the Bartholomew County Plan Commission reviewed Nolting's Commercial Rezoning application and forwarded it to the Commissioners with a favorable recommendation by a vote of 5 in favor, 2 opposed and 2 abstained. The favorable recommendation includes the following commitment, which is intended to provide screening from future commercial development for an adjacent residential property: A Type A Buffer Yard, which includes a fence or wall constructed along the east, west, and south property lines of East State Road 46 (owned by Paul Younger) at the time the subject property is developed.

Bruce Nolting, Tim Allen and Attorney Joyce Thayer Sword spoke for the rezoning action. Chairman Flohr opened the meeting for public comments. Commissioner Lienhoop recused himself from the proceedings and vote due to a conflict of interest. The meeting proceeded and audience members who spoke to oppose the action included: Jerry Schnur, Paul Younger, Daniel Boewe, and Barb Fawbush. There being no other comments the meeting was closed. Ms. Sword read the possible uses under a CR designation. (*See attached*) Commissioners Flohr and Kleinhenz urged Mr. Nolting to take additional time to talk with neighbors regarding the property's prospective uses. Talk of tabling the ordinance for a later date prompted Mr. Bergman to state that the Commissioners have 90 days to act upon the Plan Commission's certified recommendation or their recommendation becomes decisive and the property would be rezoned. Commissioner Kleinhenz motioned to table the decision for a later date or when Mr. Nolting requests another hearing upon reaching an understanding with his neighbors. Chairman Flohr seconded the motion that passed unanimously.

Commissioner Lienhoop returned to his seat on the Board of Commissioners.

Commissioner Lienhoop read the monthly the **Veteran's Services Report** for December, 2015. The Veteran's Office conducted 113 scheduled/walk-in/outside interviews; made 251 contacts by phone/mail; made 17 trips to the VA Hospital; and traveled 1,634 miles. The office processed 19 new applicants. Assistant VSO Larry Garrity met with house- and nursing home-bound veterans to complete paperwork.

Commissioner Lienhoop made a motion to accept the report. Commissioner Kleinhenz seconded the motion that passed unanimously.

Commissioner Kleinhenz acknowledged the receipt of the **Treasurer's Monthly Report** for the month of December, 2015. Commissioner Kleinhenz motioned to accept the report. Commissioner Lienhoop seconded the motion which passed unanimously.

Chairman Flohr stated that County Offices will be closed next Monday, January 18th, in observance of the Martin Luther King Day.

The next Commissioners' Meeting will be held on **Tuesday, January 19, 2016** at 10:00 a.m. in the Commissioners' Chambers. There being no other business the meeting was adjourned at 10:50 a.m.

BARTHOLOMEW COUNTY
COMMISSIONERS

RICHARD A. FLOHR, CHAIRMAN

ATTEST:

LARRY S. KLEINHENZ, MEMBER

BARBARA J. HACKMAN

CARL H. LIENHOOP, MEMBER

ORDINANCE NO.: _____, 2016

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF BARTHOLOMEW COUNTY, INDIANA, REZONING THE SUBJECT PROPERTY
FROM "AP" (AGRICULTURE: PREFERRED)
TO "CRc" (COMMERCIAL: REGIONAL CENTER WITH COMMITMENTS)**

**To be known as the: Bruce Nolting Commercial Rezoning
Plan Commission Case No.: RZ-15-02**

WHEREAS, this rezoning was requested by Bruce Nolting and includes the consent of all owners of the subject property; and

WHEREAS, the Bartholomew County Plan Commission did on October 14, November 12, and December 9, 2015 hold legally advertised public hearings on said request and has certified a favorable recommendation to the Board of Commissioners; and

WHEREAS, the Board of Commissioners of Bartholomew County, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

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

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate shall be changed from "AP" (Agriculture: Preferred) to "CRc" (Commercial: Regional Center with commitments):

Agricultural Tract 1 and Administrative Lot 1 in "Nolting/Schnur Administrative Subdivision" as recorded in Plat Book "R", Page 298D in the office of the Recorder of Bartholomew County, Indiana.

SECTION 2: Commitments

The use and development of the subject property shall be subject to the following commitment: A Type A Buffer Yard, as defined by the Zoning Ordinance in effect as of December 9, 2015, which includes a fence or wall shall be constructed along the east, west, and south property lines of 6985 East State Road 46 at the time the property subject to this rezoning is developed.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

SECTION 4: 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 5: Effective Date

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



District Intent:

The "CR", Commercial, Regional zoning district is intended to establish appropriate locations for a variety of businesses that either (1) serve a regional market or (2) require convenient access to high-volume transportation routes. This district should be limited to locations with access and infrastructure which is compatible with the needs of regional-serving businesses and facilities. This district should be focused at key intersections, rather than extended along corridors.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits. In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

Amendment(s):

Former Section 3.20(C) revised per City Ord. 5, 2009 (2.17.09) & County Ord. 2, 2009 (3.2.09).

Section 3.21(A) and (B) revised per City Ord. 22, 2011 & County Ord. 6, 2011 (9.6.11).

3.21 Commercial: Regional (CR)

A. Permitted Primary Uses:



Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Communications / Utilities Uses*

- communication service exchange
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses

- clinic
- community center
- day-care center (adult or child)
- government office
- hospital
- museum
- parking lot / garage (as a primary use)
- police, fire, or rescue station
- post office
- trade or business school
- worship facility

Park Uses

- nature preserve / conservation area
- park / playground

Commercial Uses

- auto-oriented uses (small scale)
- auto-oriented uses (medium scale)
- auto-oriented uses (large scale)
- auto rental (includes truck, RV, etc)
- builder's supply store
- data processing / call center
- equipment rental
- farm equipment sales & service
- health spa
- hotel / motel
- instructional center
- liquor store
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)
- retail uses (large scale)

Industrial Uses

- wholesale facility

B. Conditional Primary Uses:



Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses

- dwellings, multi-family
- dwellings, secondary (on upper floors of other use)

Public / Semi-Public Uses

- animal shelter
- fairgrounds
- government facility (non-office)
- library
- transportation terminal
- university or college

Park Uses

- amphitheater / outdoor venue
- athletic complex
- campground / RV park
- driving range (as a primary use)

Commercial Uses

- agricultural supply facility
- conference center
- greenhouse / plant nursery
- kennel
- mobile / manufactured home sales
- retreat center
- theater (outdoor)
- truck stop / travel center

Industrial Uses

- agricultural products terminal
- boat / RV storage facility (outdoor)
- contractor's office / workshop
- light industrial assembly & distribution
- mini-warehouse self-storage facility
- research & development facility