

COMMISSIONERS' MEETING

May 30, 2017

The Bartholomew County Commissioners met in regular session on May 30, 2017, 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 present.

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

The first order of business was the approval of the Commissioners' Meeting Minutes for May 22, 2017. Commissioner Flohr 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 claims. Commissioner Flohr seconded the motion which passed unanimously.

The next item was weekly reports. Chairman Lienhoop read the New Permit Report dated 5/22/17 to 5/26/17. Thirty (30) permits were issued with fees collected of \$2,009 and estimated construction costs of \$336,046.

The next agenda item was the consideration of bids for **one (1) 2017 pickup truck for the Health Department**. A shorter pickup (i.e., Nissan Frontier pickup) was needed due to size restriction of the basement parking space. After a second round of soliciting bids, two were received. Hubler Nissan (Indianapolis) bid \$21,678 and Andy Mohr Nissan (Avon) bid \$25,266. Director of Environmental Health Link Fulp said payment would come from state grant money in the local health maintenance fund. The replaced vehicle would be put back into the county fleet. Commissioner Kleinhenz motioned to accept the low quote from Hubler, subject to meeting specifications. Commissioner Flohr seconded the motion that passed unanimously.

The next agenda item was the Monthly **Animal Control Report for April, 2017**. Commissioner Kleinhenz read the report as follows: there were 98 cases, 24 animals were picked up, 108 audits, 2 violations, 1 fine, no bite cases, placed 7 door hangers, 3

reclaimed animals, and 4 traps loaned to the public. The two vans traveled a total of 3,383 miles. Commissioner Kleinhenz motioned to accept the Monthly Animal Control Report for April, 2017. Chairman Lienhoop seconded the motion that passed unanimously.

Next, VSO Tom Crawford presented the Monthly **Veterans Services Report** for **April, 2017**. The Veterans Office staff conducted 102 scheduled/walk-in/outside interviews; made 244 contacts by phone/mail; 13 new applicants; made 18 trips to the VA Hospital; and traveled 1,722 miles. VSO Crawford contributed time to the Veterans Court. Commissioner Kleinhenz moved to accept the Monthly Veterans Report for April, 2017. Commissioner Flohr seconded the motion which passed unanimously.

County Engineer Danny Hollander gave the Highway Weekly Crew Report for last week which included the following work: patched roads; put up signs; placed stone along 500W; mowed in Flatrock, Sandcreek and Harrison Townships; trimmed trees on Baker Hollow and Old Nashville Roads; and continued work on Lowell Road.

Proposals for Bridge #39 on 300N, Clifty Township, were not yet due.

Next, County Attorney Grant Tucker read the bids submitted for the County's **2017 Road Overlay Program**. Bids had been solicited for 44 different road segments totaling 29.31 miles of roadway. Each job stands alone and can be awarded independently of the others. Also, the final count of overlay projects will be contingent on the amount of state grant money awarded. Bids were received from Milestone Contractors, LP (Columbus) for \$1,693,878; and Dave O'Mara Contractor, Inc. (North Vernon) for \$1,909,352. Chairman Lienhoop motioned to take the bids under advisement. Commissioner Kleinhenz seconded the motion that passed unanimously.

Planning Department Director Jeff Bergman presented the next item, an **Ordinance Amending the Official Zoning Map**, Rezoning the Subject Property From "AG" (Agricultural: General) to "CRc" (Commercial: Regional with Commitments) to be known as the **HHH Properties Rezoning**, Plan Commission Case No. RZ-17-01. (*See attached*) The property is currently a farm field and former campground site. The CR designation allows the most intensive and wide-ranging commercial utilization (e.g.,

retail, hotel, office, restaurant, multi-story structures); but no industrial. The 5 commitments relate to vehicle access to and circulation on the property as it develops. These conditions are outlined in Section 2, Items 1 through 5 of the ordinance. An excerpt from Bergman's memorandum dated May 24th to the Commissioners is included here:

At its May 10, 2017 meeting, the Bartholomew County Plan Commission reviewed the above referenced application and forwarded it to the Board of Commissioners with a favorable recommendation by a vote of 8 in favor and 0 opposed.

The application involves a +/-65.52 acre area located on the west side of US31, generally between Hartman Drive and 800N. The applicants, HHH Properties LLC, propose to rezone the area to CR for the purpose of future commercial development.

No neighbors or other members of the public attended the Plan Commission meeting to comment on the proposed rezoning.

The Plan Commission's favorable recommendation includes 5 commitments, all related to vehicle access to and circulation on the property as it develops.

Chairman Lienhoop opened the meeting for public comment. Responding to a question about possible future uses, HHH representative Mark Pratt said that inquiries have come from the restaurant and multi-family industries. There being no other comments, the meeting was closed. Commissioner Kleinhenz made a motion to approve the rezoning ordinance on first reading. Commissioner Flohr seconded the motion that passed unanimously. The second reading will be during next week's meeting on June 5th.

Bergman also presented an **Ordinance Amending the Official Zoning Map**, Rezoning the Subject Property From "AG" (Agricultural: General) to "RMc" (Residential: Multi-Family with Commitments) to be known as the **Miller's Merry**

Manor Rezoning, Plan Commission Case No. RZ-17-02. *(See attached)* An excerpt from Bergman's memorandum dated May 24th to the Commissioners is included here:

At its May 10, 2017 meeting, the Bartholomew County Plan Commission reviewed the above referenced application and forwarded it to the Board of Commissioners with a favorable recommendation by a vote of 8 in favor and 0 opposed.

The application involves a +/-4.17 acre area located at 7440 N East 825E. This is the location of Miller's Merry Manor nursing home and retirement facility. The property is currently zoned AG and Miller's Merry Manor is a legal non-conforming ("grandfathered") use at this location. The applicants are considering a 2,500 square foot addition to the facility, which would include a new dining room, community room, and therapy rooms. The proposed rezoning to RM is needed to make the facility a permitted use at its location and allow the expansion.

No neighbors or other members of the public attended the Plan Commission meeting to comment on the proposed rezoning.

The Plan Commission's favorable recommendation includes one commitment, which limits the use of the property to nursing home/assisted living facilities. This commitment would disallow apartments and other similar multi-family uses, which would otherwise be permitted in the RM zoning district.

Chairman Lienhoop opened the meeting for public comment. There being no comments, he then closed the meeting. Commissioner Flohr motioned to approve the rezoning ordinance on first reading. Commissioner Kleinhenz seconded the motion that passed unanimously. The second reading will be during next week's meeting on June 5th.

Next, Chairman Flohr read from a letter written by Barbara Johnson of the Yellow Trail Museum requesting a **road closure for a fireworks display** during the Annual Hope Old-Fashioned Independence Day Celebration in Hope. The request was for closing a section of 700N about one mile west of Hope between the bridge over

Hawcreek to the intersection of 700N and CR 670E from 3:00 p.m. to 11:59 p.m. on Friday, June 30th. She also asked that the highway department deliver, in advance, “Road Closed” signs which would be erected and removed by Hope Police at the appropriate times. Commissioner Kleinhenz motioned to approve the request for road closure and highway department assistance. Commissioner Flohr seconded the motion that passed unanimously.

The next Commissioners’ Meeting will be held on Monday, June 5, 2017, at 10:00 a.m. in the Commissioners’ Chambers. There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY
COMMISSIONERS

CARL H. LIENHOOP, CHAIRMAN

ATTEST:

LARRY S. KLEINHENZ, MEMBER

BARBARA J. HACKMAN

RICHARD A. FLOHR, MEMBER

ORDINANCE NO.: _____, 2017

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

**To be known as the: HHH Properties Rezoning
Plan Commission Case No.: RZ-17-01**

WHEREAS, this rezoning was requested by HHH Properties, LLC and includes the consent of all owners of the subject property; and

WHEREAS, the Bartholomew County Plan Commission did on May 10, 2017 hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Board of Commissioners; and

WHEREAS, the Board of Commissioners 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 "AG" (Agriculture: General) to "CRc" (Commercial: Regional with commitments):

Lots 9 and 10 in "Driftwood Center, Section Two" Recorded in Plat Book "P", Page 339B, in the Office of the Recorder of Bartholomew County.

SECTION 2: Commitments

The use and development of the subject property shall be subject to the following commitments:

1. Direct access to US 31 shall be limited to (1) the intersection of US 31 and Presidential Way and (2) the intersection of US 31 and County Road 800 North. The design of improvements to those intersections shall be subject to review and approval by the Indiana Department of Transportation (INDOT). Direct access to US 31 at any other location shall be prohibited.
2. Should the property be subdivided into smaller lots, those lots shall be provided with access by way of an interior street (such as a frontage road, etc.). This interior street may be public or private, but shall provide clear, coordinated access for all development on the subject property. This interior street shall be designed in such a way to be distinct from all parking areas, shall not pass through or be included as part of any parking areas, and shall be clearly distinguishable as a street for those traveling in the development. Further, this interior street shall be provided with sidewalks or alternative paved pathways that provide a pedestrian connection between all lots in the development. If the interior street takes the form of a frontage road along US 31 then a sidewalk shall only be required on the west side of that street. If the interior street is located in the interior of the development with lots on both sides then sidewalks shall be provided on both sides of that street.
3. The development of the property shall include a vehicle connection to the reserved right-of-way on the property to the south (Lot #5 of Driftwood Center Section 1) to facilitate vehicle access between the development and Hartman Drive.
4. The existing access from US 31 to the residential/former campground site on the subject property may remain so long as these uses remain, but shall be discontinued and physically removed at the time the property is redeveloped.

5. Consistent with any requirements or requests of INDOT, the properties north of the subject property that access US 31 via a shared drive at its intersection with 800 North shall be permitted access to the subject property's access point to US 31 at that same intersection (in whatever final form it takes) to ensure a single, coordinated access point to US 31.

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.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON FIRST READING THIS ____ DAY OF _____, 2017.

Carl H. Lienhoop

Larry S. Kleinhenz

Richard A. Flohr

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 _____, 2017.

Carl H. Lienhoop

Larry S. Kleinhenz

Richard A. Flohr

ATTEST:

Barbara J. Hackman, Auditor
Bartholomew County, Indiana

ORDINANCE NO.: _____, 2017

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF BARTHOLOMEW COUNTY, INDIANA, REZONING THE SUBJECT PROPERTY
FROM "AG" (AGRICULTURE: GENERAL)
TO "RMc" (RESIDENTIAL: MULTI-FAMILY WITH COMMITMENTS)**

**To be known as the: Miller's Merry Manor Rezoning
Plan Commission Case No.: RZ-17-02**

WHEREAS, this rezoning was requested by Miller's Health Systems, Inc. and includes the consent of all owners of the subject property; and

WHEREAS, the Bartholomew County Plan Commission did on May 10, 2017 hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Board of Commissioners; and

WHEREAS, the Board of Commissioners 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 "AG" (Agriculture: General) to "RMc" (Residential: Multi-Family with commitments):

Being Seufert Realty Corp. Subdivision as recorded in Plat Book "G", Page 131, in the Office of the Recorder of Bartholomew County, Indiana and previously described as:

Part of the West half of the Southwest Quarter of Section 28, Township 10 North, Range 7 East of the Second Principal Meridian in Bartholomew County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of said half quarter section; thence North on the East line thereof 544.6 feet; thence West parallel to the South line of said half quarter Section 400.00 feet; thence South parallel to the East line of said half quarter Section 544.6 feet to the South line thereof; thence East on said South line 400.00 feet to the place of beginning, containing 5.00 acres, more or less.

EXCEPT:

Part of the Southwest Quarter of the Southwest Quarter of Section 28, Township 10 North, Range 7 East in Hawcreek Township, Bartholomew County, Indiana more particularly described as follows:

Commencing at an existing Bartholomew County Surveyor's Monument marking the Southeast corner of said Quarter Quarter, thence North 00 degrees 45 minutes 51 seconds East (an assumed bearing) along the East line of said Quarter Quarter and approximate centerline of County Road 825 East a distance of 299.04 feet; thence North 89 degrees 02 minutes 46 seconds West a distance of 25.00 feet to the point of beginning; thence South 15 degrees 14 minutes 00 seconds West a distance of 103.18 feet; thence South 00 degrees 57 minutes 14 seconds West a distance of 100.00 feet; thence South 23 degrees 14 minutes 17 seconds West a distance of 60.36 feet; thence North 89 degrees 41 minutes 59 seconds West a distance of 300.00 feet; thence South

86 degrees 09 minutes 10 seconds West a distance of 25.91 feet; thence South 00 degrees 45 minutes 51 seconds West a distance of 16.59 feet; thence South 89 degrees 36 minutes 51 seconds East a distance of 375.00 feet; thence North 00 degrees 45 minutes 51 seconds East a distance of 274.27 feet to the point of beginning, containing 0.30 acres.

SECTION 2: Commitments

The use and development of the subject property shall be subject to the following commitment: The use of the property shall be limited to a nursing home / assisted living facility.

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.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON FIRST READING THIS ____ DAY OF _____, 2017.

Carl H. Lienhoop

Larry S. Kleinhenz

Richard A. Flohr

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 _____, 2017.

Carl H. Lienhoop

Larry S. Kleinhenz

Richard A. Flohr