

## **COMMISSIONERS' MEETING**

**September 8, 2014**

The Bartholomew County Commissioners met in regular session on September 8, 2014 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Carl Lienhoop called the meeting to order at 10:00 a.m. Commissioners Larry Kleinhenz and Rick Flohr, County Attorney J. Grant Tucker and County Auditor Barbara Hackman were also in attendance.

County Clerk Tami Hines gave the Invocation and led the Pledge of Allegiance.

The first item on the agenda was the approval of the September 2, 2014 Commissioners' Meeting Minutes. Commissioner Kleinhenz made a motion to approve the minutes, seconded by Commissioner Flohr, and the motion passed unanimously.

Next was the approval of claims. Commissioner Flohr made a motion to approve the claims. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was weekly reports. Chairman Lienhoop read the New Permit Report dated 9/1/14 to 9/5/14. Thirty-seven (37) permits had been issued with fees collected in the amount of \$7,139 and an estimated construction cost of \$1,372,254. The Detail Fees Report for August, 2014 was also submitted and showed \$23,758 total fees collected for the month.

County Engineer Danny Hollander gave the County Highway Weekly Crew Report which included the following work: wedged, mowed in Hawcreek and Jackson Townships, replaced pipes on 850S, patched roads and picked up trash.

Engineer Hollander also submitted two (2) Letters of Understanding ("LOU") with INDOT regarding unofficial detours of State Road 46 sometime next summer for bridge work on the bridge over Fishers Fork. One LOU for 0.91 miles was for east US 31. The other LOU for 2.01 miles was for west SR 9. Commissioner Kleinhenz made a motion to sign the two (2) Letters of Understanding with INDOT for unofficial detours of State Road 46. Commissioner Flohr seconded the motion that passed unanimously.

The next agenda item, INDOT/LPA Project Coordination Contract, was not ready for presentation this week.

Next was the ratification of Data Board items presented by IT Director Jim Hartsook. First item for ratification was the purchase of ten (10) zero clients for \$2,804.90 out of the 04-43 account. The total expense was offset by insurance reimbursement for the courthouse storm damage. Chairman Lienhoop made a motion to ratify the expenditure for ten (10) zero clients. Commissioner Lienhoop seconded the motion that passed unanimously.

Other Data Board agenda items discussed were the County Treasurer's new e-billing vendor and the Data Cave case study.

Other action items included the purchase of:

- Prosecutor's Office six (6) laptop replacements – Not to exceed \$8,200
- Check writing software upgrade – Not to exceed \$2,400

Commissioner Flohr made a motion to approve the two (2) expenditures not to exceed \$8,200 and \$2,400 each. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next agenda item was the second reading of an ordinance establishing a moratorium on farm (confined feeding operation (CFO) / concentrated animal feeding operations (CAFO) Type II) uses in Bartholomew County, IN. (*See attached*) The first reading was passed in the 8/25/14 Commissioners' Meeting.

Planning Director Jeff Bergman began by stating that the Plan Commission (by a 5-3 vote) recommended a moratorium on CAFO Type II applications for up to 18 months. The Commissioners approved the ordinance on first reading subject to changing the moratorium duration to 12 months *or* until the CAFO Regulation Study Committee finishes its work and any recommendations are evaluated and/or acted upon by the Commissioners, whichever occurs first.

Chairman Lienhoop then opened the meeting for a public hearing. Audience members who spoke for and against the proposed CAFO moratorium were: Harold Loyd, Justin Gelfius, John O'Halloran, and Sarah Wagner. Chairman Lienhoop closed the public hearing portion of the meeting.

Chairman Lienhoop said that the main reason for the moratorium was to check the current ordinance for any weaknesses. Commissioner Kleinhenz felt the ordinance is fair, but when the County went from zero applications in recent years to processing two requests for permitting it triggered a desire to recheck the strength of the ordinance to ensure the fair representation of all constituents' interests. Commissioner Flohr stated the issue has been discussed at length many times and made a motion to approve on second reading an ordinance establishing a moratorium on farm (confined feeding operation (CFO) / concentrated animal feeding operations (CAFO) Type II) uses in Bartholomew County, IN. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next on the agenda was the second reading of an ordinance establishing the Bartholomew County Department of Redevelopment and the Bartholomew County Redevelopment Commission ("RC"). (*See attached*) The first reading was passed in the 9/2/14 Commissioners' Meeting.

Jason Hester from the Columbus Economic Development Board stressed the value of having a county-level redevelopment commission with the ability to utilize tax increment financing ("TIF") as an economic growth tool. TIF allows self-funded development by capturing tax revenues of new industrial/commercial development which would then be directed toward site improvements and/or services to attract potential developers.

Chairman Lienhoop then opened the meeting for a public hearing. Audience members who spoke for and against creating a county redevelopment commission and/or TIF allocation areas were: Don Strietelmeier, Dan Arnholt, Ryan Lauer, Ed Curtin, Jim Wheatley, and Mike Lovelace. Bruce Donaldson of Barnes & Thornburg and Jason Semler of H.J. Umbaugh answered some of the audience members' questions. There was

some discussion of a past tax base/assessed value erosion issue which has been corrected through recent legislation and DLGF reporting practices. There was discussion of the immediate benefit realized by taxpayers in a school district where a TIF area is created since new assessed value brought into a TIF doesn't get captured in referendum rates, but instead is applied to referendum rates which reduces the rate required to generate that revenue. There was discussion about requesting more time for consideration and public education/input and concern about the apparent rush toward a decision. There was discussion of the competitiveness of industry incentives around the state and not wanting Bartholomew County to be left behind. It was clarified that redevelopment commissions have no power of eminent domain. A point was made that historically the Commissioners found no public support for and, therefore, did not pursue a redevelopment commission in the fall of 2013. Growth in the large industry sector may take away from local small business owners, e.g., employees. Industrial growth may stress the community's residential and municipal infrastructures and may not be what Columbus needs or wants. Chairman Lienhoop then closed the public hearing portion of the meeting.

Commissioner Flohr made a motion to table the second reading another week. Mr. Hester said that delaying the decision until next week, because of County Council's schedule would essentially delay it another month. It would then be difficult to complete the economic impact study, to create the economic development plan, and to identify the TIF allocation area by an end-of-February deadline for a March 1<sup>st</sup> assessment, thereby, missing it [industry growth opportunity/TIF revenues] for a year. Commissioner Flohr respected that the public felt it needs more information and stood by his motion to table the second reading of the RC ordinance. Commissioner Kleinhenz seconded the motion after commenting that if a vote were taken that day he would vote in favor of a redevelopment commission because he believes that we have to be about job creation. Auditor Hackman stated that she could call a special meeting of the County Council to hasten the timely designation of appointees to the RC and not impede the RC's timeline.

Chairman Lienhoop called for a vote on the motion to table, for one week, the second reading of an ordinance establishing the Bartholomew County Department of Redevelopment and the Bartholomew County Redevelopment Commission. The motion carried unanimously, 3-0.

The next agenda item was consideration of an agreement with H.J. Umbaugh for financial services involved in the creation of a Bartholomew County Redevelopment Commission and creation of TIF allocation areas. Fees for services would vary from \$60-\$500/hour depending on the job classification, not to exceed \$12,500. Commissioner Flohr made a motion to enter into the agreement with H.J. Umbaugh for financial services in association with the creation and operations of a Bartholomew County Redevelopment Commission. Chairman Lienhoop seconded the motion and called for the vote. The motion carried, 2 (Lienhoop, Flohr) to 1 (Kleinhenz).

Mr. Lovelace asked if a list of architects for the Annex Building Project had been received yet. Chairman Lienhoop responded that a list had not been received.

The next Commissioners' Meeting will be held on Monday, September 15, 2014 at 10:00 a.m. in the Commissioners' Chambers. There being no other business the meeting was adjourned by Chairman Lienhoop at 12:05 p.m.

BARTHOLOMEW COUNTY  
COMMISSIONERS

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CARL H. LIENHOOP, CHAIRMAN

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LARRY S. KLEINHENZ, MEMBER

ATTEST:

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RICHARD A. FLOHR, MEMBER

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BARBARA J. HACKMAN

ORDINANCE NO.: 2014 - 05

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**AN ORDINANCE ESTABLISHING A MORATORIUM ON FARM (CONFINED FEEDING OPERATION (CFO) / CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) TYPE II) USES IN BARTHOLOMEW COUNTY, INDIANA**

**WHEREAS**, the Zoning Ordinance currently in effect for the jurisdiction of Bartholomew County, Indiana allows "Farm (Confined Feeding Operation (CFO) / Concentrated Animal Feeding Operation (CAFO) Type II)" uses as conditional uses in all Agricultural and Industrial Zoning Districts; and

**WHEREAS**, the recent consideration of two such proposed uses in Bartholomew County through the conditional use process has resulted in significant public discussion and debate; and

**WHEREAS**, in response to the public interest and the concerns associated with these uses the Bartholomew County Commissioners have established a "Bartholomew County CAFO Regulation Study Committee" to research these uses, review existing local regulations, and propose any recommended changes to those regulations; and

**WHEREAS**, in support of the CFO/CAFO study process currently underway and in recognition of the significance of this matter it is deemed appropriate to establish a moratorium on new applications for the most potentially impactful of these uses until the most appropriate regulations for them in Bartholomew County have been identified; and

**WHEREAS**, a moratorium is intended as a temporary measure allowing for permanent regulations to be considered; and

**WHEREAS**, establishing a moratorium is necessary to ensure the public health, safety, and general welfare until the Bartholomew County CAFO Regulation Study Committee has completed its task and permanent regulations are thoroughly considered; and

**WHEREAS**, it is recognized that any Farm (CFO / CAFO Type II) uses for which approval has been sought prior to the effective date of a moratorium must be allowed to complete the approval process and be placed in operation per Indiana Code Section 36-7-4-1109; and

**WHEREAS**, the Bartholomew County Plan Commission has given proper consideration to this matter and the input of the public and has, through General Resolution 2014-01, recommended the establishment of a moratorium.

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

**SECTION 1: Moratorium Established**

The approval and/or establishment of any new or expanded Farm (CFO / CAFO Type II) uses in Bartholomew County, as defined by the Bartholomew County Zoning Ordinance, is prohibited (1) for one year from the effective date of this ordinance or (2) until final action on the recommendations of the Bartholomew County CAFO Regulation Study Committee has been taken by the Bartholomew County Board of Commissioners, whichever occurs first.

**SECTION 2: Repealer**

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

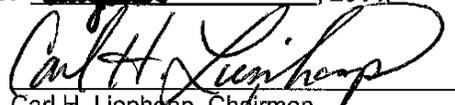
**SECTION 3: Severability**

If any provisions, 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 not be affected.

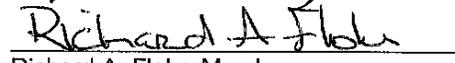
**SECTION 4: Effective Date**

This ordinance shall be in full force and effect on the date of its approval.

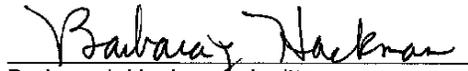
**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON FIRST READING THIS 25<sup>th</sup> DAY OF August, 2014.**

  
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Carl H. Lienhoop, Chairman

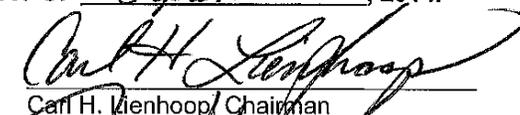
  
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Larry S. Kleinhenz, Member

  
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Richard A. Flohr, Member

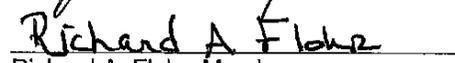
**ATTEST:**

  
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Barbara J. Hackman, Auditor  
Bartholomew County, Indiana

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON SECOND READING THIS 8<sup>th</sup> DAY OF September, 2014.**

  
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Carl H. Lienhoop, Chairman

  
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Larry S. Kleinhenz, Member

  
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Richard A. Flohr, Member

**ATTEST:**

  
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Barbara J. Hackman, Auditor  
Bartholomew County, Indiana

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
BARTHOLOMEW COUNTY, INDIANA  
ESTABLISHING THE BARTHOLOMEW COUNTY DEPARTMENT  
OF REDEVELOPMENT AND THE BARTHOLOMEW COUNTY  
REDEVELOPMENT COMMISSION**

WHEREAS, IC 36-7-14 and 36-7-25 (collectively, the "Act") authorizes the Board of Commissioners (the "Board") of Bartholomew County, Indiana (the "County") to establish a department of redevelopment to be controlled by a redevelopment commission consisting of five (5) members appointed by the Board and the Bartholomew County Council (the "Council"); and

WHEREAS, in order to pursue the public purposes of the Act, the Board now desires to establish the Bartholomew County Department of Redevelopment and the Bartholomew County Redevelopment Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA, as follows:

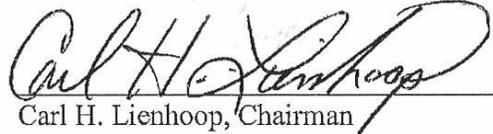
1. Pursuant to IC 36-7-14-3, the Board hereby establishes the Bartholomew County Department of Redevelopment (the "Department"), for the purposes and to exercise the powers set forth in the Act or otherwise granted by law. The Department will be controlled by a board of five (5) members to be known as the Bartholomew County Redevelopment Commission (the "Redevelopment Commission"), three (3) of whom shall be appointed by the Board and two (2) of whom shall be appointed by Council. Each member of the Redevelopment Commission must be at least eighteen (18) years of age and must be a resident of the County.

2. Pursuant to IC 36-7-14-6.1, the Board shall appoint an individual to serve as a nonvoting advisor to the Redevelopment Commission who must be a member of the school board of a school corporation that includes all or a part of the territory served by the Redevelopment Commission. The nonvoting advisor is not considered a member of the Redevelopment Commission for purposes of IC 36-7-14 but is entitled to attend and participate in the proceedings of all meetings of the Redevelopment Commission.

3. This Ordinance shall be in full force and effect from and after its adoption in the manner provided by law.

Passed and adopted by the Board of Commissioners of Bartholomew County, Indiana, on  
First reading, this 2nd day of September, 2014.

BOARD OF COMMISSIONERS OF  
BARTHOLOMEW COUNTY, INDIANA

  
\_\_\_\_\_  
Carl H. Lienhoop, Chairman

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Larry S. Kleinhenz, Member

  
\_\_\_\_\_  
Richard A. Flohr, Member

ATTEST:

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Barbara J. Hackman, Auditor  
Bartholomew County, Indiana