

COMMISSIONERS' MEETING
March 23, 2015

The Bartholomew County Commissioners met in regular session on March 23, 2015 in the Commissioners' Chambers at the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Larry Kleinhenz called the meeting to order at 10:00 a.m. Commissioners Rick Flohr and Carl Lienhoop were present. County Attorney J. Grant Tucker and Chief Deputy Auditor Sandra Beatty were also in attendance. Auditor Barbara Hackman was absent.

Assessor Lew Wilson gave the Invocation and led the Pledge of Allegiance.

First item on the agenda was the approval of the March 16, 2015 Commissioners' Meeting Minutes. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Flohr seconded the motion which passed unanimously.

Next was the approval of claims. Commissioner Flohr made a motion to approve the claims, seconded by Commissioner Lienhoop, and the motion passed unanimously.

The next item on the agenda was the weekly reports. Chairman Kleinhenz read the New Permits Report dated 3/16/15 to 3/20/15. Twenty-nine (29) permits had been issued with fees collected in the amount of \$4,211 and estimated construction costs of \$1,161,100.

Engineer Danny Hollander gave the County Highway Weekly Crew Report which included the following work: patched roads; put up signs; cut trees on 750 E; put down stone; fixed ditches on 600 E, 1050 S, 930 S and Base Road; picked up wood along roads; mowed in Columbus and Ohio Townships; and graded and spread stone on 200 E and 700 S.

Next item was the consideration of an ordinance amending the official zoning map of Bartholomew County, Indiana, rezoning the subject property from "AG" (Agriculture: General) to "RRc" (Residential: Rural with commitments) to be known as the Matt Donica Rezoning, Plan Commission Case No.: RZ-15-0. *(See attached)*

Planning Department Director Jeff Bergman presented the rezoning proposition that had favorably passed the County Plan Commission. Property owner Matt Donica had asked for the rezoning of his 15.35 acre lot located on 650 W between Grandview and 450 S (just south of Keeping Hill PUD). Mr. Donica requested the rezoning of his property from AG to RRc in order to develop a maximum of five (5) subdivision lots, subject to finding adequate septic system sites. Some of the public comments heard at the Plan Commission meeting were concerns about losing agricultural ground and natural areas, stormwater runoff from additional homes, preservation of the woods and the possibility of complaints from potential owners regarding adjoining agricultural operations. The Plan Commission voted in favor of rezoning (7 to 1).

Chairman Kleinhenz opened the meeting for public comment. Members of the public who spoke were: Matt Donica, David Kadlec, Susie Sawin via letter (*see attached*), Jan Lucas Grimm and Tim Grimm. Concerns expressed matched those presented to the Plan Commission:

- Building large homes comes with lots of hard, impermeable surfaces
- Increased watershed
- Runoff and erosion of ravines
- Loss of higher quality soil
- Increased depositing of sediment into the creek
- Creek contamination from septic drain fields
- Creek contamination from chemical runoff used to maintain manicured landscapes
- Preservation of wooded, natural areas
- Loss of trees resulting from road widening
- Light pollution
- Loss of natural beauty and peaceful ambience

This type of home construction seems to lack respect for the land and reverence
for agricultural community
Weakening of existing PUD property values due to distinctly contrasting
properties

There being no other comments, Chairman Kleinhenz closed the public part of the meeting.

There had been several comments about the lack of posting notice signs for the rezoning action. Mr. Bergman responded that there are two mandatory components of public notice: (1) legal ads published in the newspaper and (2) letters sent to surrounding property owners. The mandatory practices of public notice were observed. The additional posting of public notice signs is not mandatory, but something that the Planning Department chooses to do when feasible. It was not a feasible option this time because of frozen ground. Had the signs been put up they would have come down the day after the Plan Commission meeting and not served as notice for this Commissioners' meeting. Typically, the Commissioners' first reading date is announced at the Plan Commission meeting. Since the first reading date had not yet been determined letters were sent later to the Plan Commission meeting attendees notifying them of the date it was to go before the Commissioners.

Usually a small development such as this can be done without a zoning change. In this instance, however, when the land was divided out for the Amos Chestnut Subdivision, the subdivision rights for the remaining area (which allows for limited subdivision development) stayed with the area just south of the subject land which is currently tillable land. The subject property then was purchased without those inherent subdivision rights.

Commissioner Flohr motioned to approve the first reading of an ordinance amending the official zoning map of Bartholomew County, Indiana, rezoning the subject property from "AG" (Agriculture: General) to "RRc" (Residential: Rural with

commitments) to be known as the Matt Donica Rezoning, Plan Commission Case No.: RZ-15-0, with the second reading to be no sooner than two (2) weeks from today. Commissioner Lienhoop seconded the motion that passed unanimously.

For the next agenda item County Clerk Jay Phelps presented a renewal agreement with Bradford Systems Corporation for the inspection, cleaning and maintenance of the moving storage equipment in the Courthouse. He recommended committing to a 3-year contract to save 10%. The fee would be \$1,350 per year and be paid through perpetuation funds. Commissioner Lienhoop motioned to enter into the 3-year agreement with Bradford Systems Corporation. Chairman Kleinhenz seconded the motion that passed unanimously.

Next, Chairman Kleinhenz acknowledged the receipt of the County Treasurer's Monthly Report for the month of February, 2015. Chairman Kleinhenz made a motion to approve the Treasurer's February, 2015 Monthly Report for submission to the SBOA. Commissioner Flohr seconded the motion which passed unanimously.

Lastly, Commissioner Lienhoop acknowledged the receipt of the Clerk of the Circuit Court Monthly Report for February, 2015. Commissioner Lienhoop made motioned to approve the Clerk's February, 2015 Monthly Report for submission to the SBOA. Commissioner Flohr seconded the motion which passed unanimously.

Chairman Kleinhenz introduced Elizabeth Smith. She is the County's new County Extension Director and 4-H Educator.

The next Commissioners' Meeting will be held on Monday, March 30, 2015, at 10:00 a.m. in the Commissioners' Chambers. There being no other business, the meeting was adjourned at 11:05 a.m.

BARTHOLOMEW COUNTY
COMMISSIONERS

LARRY S. KLEINHENZ, CHAIRMAN

CARL H. LIENHOOP, MEMBER

RICHARD A. FLOHR, MEMBER

ATTEST:

BARBARA J. HACKMAN

ORDINANCE NO.: _____, 2015

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

**To be known as the: Matt Donica Rezoning
Plan Commission Case No.: RZ-15-01**

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

WHEREAS, the Bartholomew County Plan Commission did on March 11, 2015 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 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 "AG" (Agriculture: General) to "RRc" (Residential: Rural with commitments):

Lot numbered 2 in the Amos Chestnut Minor Subdivision recorded in Plat Book "R", Page 194A in the office of the Recorder of Bartholomew County, Indiana.

SECTION 2: Commitment(s)

The use and development of the subject property shall be subject to the following commitment: The maximum number of lots on the property shall be limited to 5, subject to the approval of adequate septic sites for these 5 lots by the Bartholomew County Health Department.

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

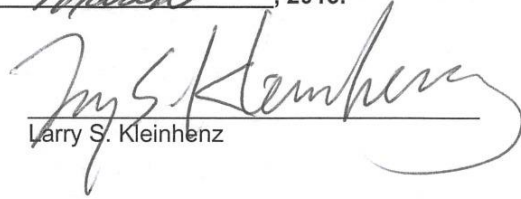
If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

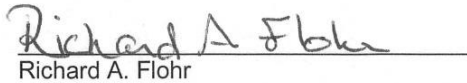
SECTION 5: Effective Date

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

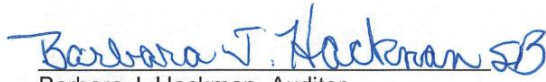
PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY,
INDIANA ON FIRST READING THIS 23 DAY OF March, 2015.


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 _____, 2015.

Carl H. Lienhoop

Larry S. Kleinhenz

Richard A. Flohr

ATTEST:

Barbara J. Hackman, Auditor
Bartholomew County, Indiana

To the Commissioners of Bartholomew County,

It was not very long ago that I sat before you seeking an agreement to rezone the property where Keeping Hill now is being developed. The memories of that process are very sharp --- I thank the commissioners for being very gracious and fair in helping us through a process that at times felt like personal attacks against those of us seeking the new zoning designation. I understand very well the desire of these neighbors to protect the area and the natural beauty and peace that can be found there. While I now feel that same protectiveness, I wish no animosity or ill will for another wishing to share in the beauty of the place where we live. I hope that as he develops the land he will seek to retain the spirit of what is here rather than to import the spirit of the suburbs, especially as it affects us in adjoining properties.

I do realize that to a large extent a property owner cannot be told what to do with his own property. He could clear cut the woods if he wished. My sincere hope is that within the property in question they will seek to maintain the native and natural landscape as best they can, as it is home to wonderful plants and wildlife. My concerns to ask you to address as best you can will directly affect us as the adjoining property.

The first concern is safety. I have full confidence that the safety on county road 650 will be addressed. The area between our drive and the driveway of the Donica property is a bit tricky visually. This will need attention to make it safe for all residents in the area.

The second concern is regarding light. We spent a lot of time considering how to avoid creating light pollution at Keeping Hill. We now sit downhill from the Donica property and with only one home on that property, we get significant light. I would ask that nighttime lighting be minimized and fully shielded from neighbors. One of the highlights of the beautiful area where we live are the stars at night. We would love to protect that view for all.

The third, and major, concern is water and runoff. Our property sits such that much of the stormwater runoff from the Donica property will head toward us. As I heard of the plans to put four additional homes and detached garages of similar scale and scope to the Donica home on that property, I am very concerned of the amount of impermeable surface that will be added to the existing topography. While I may be very wrong in my assumption, I have seen that generally homes of that type are inhabited by residents who desire drives and walkways that are hard surface --- potentially creating more runoff. Add to that the potential for non-native plants, weed killers and fertilizers to create a more manicured appearance, as well as trying to fit 5 septic fields for large homes in limited open area. It sounds like a recipe for contamination of the ravine and stream heading our way. I would like to request that stormwater be dealt with so it is filtered, and ideally absorbed by the ground, before it runs onto adjacent properties, ideally with a structure such as a designed rain garden.

Thank you for your work for our community.

Sincerely,
Susie Sawin

A handwritten signature in black ink, appearing to be 'SSA' followed by a long horizontal line.