

COMMISSIONERS' MEETING
February 29, 2016

The Bartholomew County Commissioners met in regular session on February 29, 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 and County Auditor Barbara Hackman were also in attendance.

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 February 22, 2016 Commissioners' Meeting Minutes. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Kleinhenz seconded the motion that passed unanimously.

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

The next item was weekly reports. Chairman Flohr read the New Permit Report dated 2/22/16 to 2/26/16. Twenty-nine (29) permits had been issued with fees collected of \$4,915 and estimated construction costs of \$3,119,500.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: patched roads; ran the ditcher in Hawcreek Township; fixed washouts on 1200E, 300S, 850W and 600E; cut trees on 400N and 800S by SR 11; ditched and cleaned out pipes on Talkington Road and cleaned out pipes on 675W and 400S; placed stone on 300S; and cleared corn and bean plant debris off roads.

The next agenda item was opening the bid(s) received for **One (1) New 2015-2016 Tractor with Boom Mower**. Diamond Mowers (Sioux Falls, SD) was the only bidder with a quote for \$95,478. This purchase is to replace one that burnt up and insurance will cover approximately \$25,000 toward the purchase. Commissioner Kleinhenz motioned to accept the bid from Diamond Mowers subject to meeting specifications. Commissioner Lienhoop seconded the motion that passed unanimously.

Kurt Kegerreis, Director of the **Southeast Indiana Work Force Investment Board** (“SEIWIB” or the “Board”) gave an update of activities and accomplishments for 2015. SEIWIB is comprised of local business representatives and its purpose is to ensure the meaningful and demand-driven use of the federal funds to enrich the regional workforce base and skill set. SEIWIB represents 10 counties, also known as Region 9: Bartholomew, Dearborn, Decatur, Franklin, Jackson, Jefferson, Jennings, Ohio, Ripley, and Switzerland. The Board runs the WorkOne system. There are six WorkOnes in Region 9, including one in the Columbus Learning Center. Mr. Kegerreis oversees SEIWIB’s focus of operations and funding management.

Commissioner Flohr is the Commissioners’ liaison to the SEIWIB. Additionally, Bartholomew County is represented by Kent Fuller from Caltherm Corp. and Chip Orben from Duke Energy.

Last year’s partnering with Eco Network, Governor’s Works Council and the Area Health Education Center awarded them a \$1.8 million Skill Up Grant from the state to fund 17 different regional projects related to manufacturing, health care and education attainment in the upcoming 18 months. SEIWIB’s portion will support two current initiatives in the regional high schools: (1) providing resources, education, and assistance for student jobseekers, and (2) expanding drop-out prevention programs.

SEIWIB was the only region awarded a new Jobs for America’s Graduates (JAG) School (Lawrenceburg) this year. The program was jointly funded by the Board and the school itself and has sought community sponsorship for sustainability. Region 9 also remains #1 in the state for percentage of adult basic education students utilizing the WorkIN program. These accomplishments have been achieved while absorbing a 20% reduction in core funding resulting in administrative and WorkOne staff cutbacks. Federal funding decreases with lower unemployment rates and Indiana, particularly Region 9’s higher employment rates have elicited reduced funding. However, the flow of training and supportive service dollars to clients has remained steady. Call centers and online assistance now handle unemployment insurance functions. Lastly, a complete fiscal audit of the Board was conducted with zero findings.

The next item of business was the **Solid Waste Management District 2015 Annual Report**. SWMD Education Coordinator Ross Keller handed out the bound report, copies of which can be picked up at the Recycling Center or viewed on the website at www.bcswmd.com.

Next, Prosecutor's Office Manager Brenda Mijares presented the Commissioners with the **STOP Grant Application** offered and received through the ICJI since 2009. No county match is required. This year's application is for \$47,222 (federal funds), \$5,100 (cash match), and \$10,500 (in-kind match) for a total of \$62,822. Funds are used for the wage and benefits of the Hispanic Translator/Investigator for the Prosecutor's Office, Rachel Morris-Clark, and for related travel, training and office supply expenses. Funding runs from 7/1/2016 through 6/30/2017. Chairman Kleinhenz made a motion to approve the STOP Grant Application. Commissioner Lienhoop seconded the motion that passed unanimously.

Ms. Mijares also presented the **Equitable Sharing Agreement and Certification** for the Prosecutor's Office. Completion of the Certification which reports asset seizure money received and spent for the year is required annually to comply with the National Code of Professional Conduct for Asset Forfeiture. The Prosecutor's Certification this year showed a beginning balance of \$2,908.21, funds received of \$5,534.49, expenditures of \$338.80 for law enforcement equipment, and a remaining balance of \$8,103.90 for the year ended 12/31/15. Commissioner Lienhoop made a motion to approve the Equitable Sharing Agreement and Certification for the Prosecutor's Office. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Planning Department Director Jeff Bergman presented for consideration the **425E Minor Subdivision a Replat of Lot 4**. Owner Christopher Thayer is moving lot lines to enlarge Lot 4 necessitating the dedication of additional right-of-way. Commissioner Kleinhenz motioned to accept the dedicated right-of-way. Commissioner Lienhoop seconded the motion that passed unanimously.

The next item was the second reading 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)* The owner, Bruce Nolting, requests to rezone the 41.68+/- acre area 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 wants 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.

The Bartholomew County Plan Commission has forwarded Nolting’s Commercial Rezoning application to the Commissioners with a favorable 5 to 2 vote (2 abstained). Mr. Bergman also reminded the parties that the Commissioners have 90 days to act from the date of the Plan Commission’s recommendation, or else the Plan Commission’s recommendation becomes the action on the request. That deadline is next Tuesday, March 8, 2016.

Commissioner Lienhoop recused himself from the proceedings since being a first cousin to Mr. Nolting.

Conditions and clarifications of the rezoning ordinance were discussed, as follows:

- The conditional buffer would be installed at time of development.
- The 25-ft. set-back requirement would be part of the 100-ft. buffer.
- The following uses shall be prohibited: utilities substation, liquor store, agricultural supply facility, mobile and manufactured home sales, and the agricultural products terminal.
- The following uses listed as permitted in CR shall be changed to conditional: small, medium and large-scale auto-oriented uses, builder’s supply store, equipment rental, farm equipment sales and service, small-scale recreational uses, and wholesale facility.

Chairman Flohr opened the meeting for public comment. Requests for clarification came from Attorney Terry Coriden and Attorney Joyce Thayer Sword. There being no other comments, Chairman Flohr closed the meeting.

Chairman Flohr motioned to approve on second reading the Ordinance Amending the Official Zoning Map from “AP” (Agricultural: Preferred) to “CRc” (Commercial: Regional Center with Commitments) for the Bruce Nolting Commercial Rezoning with the following conditions:

- Exclude five (5) of the normally permitted uses under CR zoning for the subject property: utilities substation, liquor store, agricultural supply facility, mobile and/or manufactured home sales, and the agricultural products terminal.
- Provide a 100-ft. Type A Buffer Yard, which includes a fence or wall constructed along the east, west, and south property lines of East State Road 46 (for the property owned by Paul Younger) at the time the subject property is developed.
- The following uses listed as permitted in CR shall be changed to conditional: small, medium and large-scale auto-oriented uses, builder’s supply store, equipment rental, farm equipment sales and service, small-scale recreational uses, and wholesale facility.

Commissioner Kleinhenz seconded the motion.

Commissioners agreed with Mr. Bergman’s clarification that if the Paul Younger property (imbedded in the subject property) changed to a non-residential use, the 100-ft. buffer condition would go away. Also, the Commissioners would not be receptive to future petitions to up the zoning for more intensive commercial/industrial uses of this property. Having a motion and a second the vote was taken and passed unanimously. (Vote: 2-0, 1 abstention)

Commissioner Lienhoop returned to his duties for the remainder of the meeting.

The next agenda item was the consideration of an agreement with **DLZ** Indiana, LLC, for engineering services to assist with completing an **Americans with Disabilities Act (ADA) review** of the County’s buildings/facilities and park facilities for compliance with Title II of the ADA. The compliance review is required in order to receive any sort of federal funding for bridge projects, road projects, emergency management funding, etc., ranging from \$500,000 to \$3,000,000 yearly. DLZ would identify structural or procedural exceptions and prepare a prioritized plan of action and cost estimate of

bringing problem areas into compliance. DLZ quoted a fee of \$39,000 for this consultative service. County Auditor Barbara Hackman said the Title XI portion will be done in-house. Commissioner Kleinhenz motioned to enter into the agreement with DLZ. Commissioner Lienhoop seconded the motion that passed unanimously.

Next item was the consideration of a **Resolution Adopting a Capital Improvement Plan for Utilization of Economic Development Income Tax (EDIT) Funds** for 2016 and 2017. State statute requires that any governmental entity, receiving EDIT funds must have a financial plan for the funds approved by their executive board. Commissioner Kleinhenz read the Capital Improvement Plan's allocation of EDIT funds as presented in the Resolution. *(See attached)* Commissioner Lienhoop made the motion to sign the Resolution Adopting a Capital Improvement Plan for Utilization of Economic Development Income Tax (EDIT) Funds. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next was the ratification of an expenditure for the construction of a 18'x24' **pole barn at Wayne Park**. \$7,000 of the \$7,675 cost was an encumbrance. Commissioner Kleinhenz motioned to ratify the expense for payment to Claude Wright Construction. Commissioner Lienhoop seconded the motion that passed unanimously.

The next agenda item was consideration of an **Ordinance Creating a Fund to be Known as the Veteran's Court Fund (#720)**. This is a non-reverting fund to receive user fees and any grant monies used to defray expenses associated with operating the Veteran's Court. Chairman Flohr opened the meeting for public comments. Superior Court 1 Judge Jim Worton presides over the Veteran's Court. The court program was designed to incorporate a problem-solving, rehabilitative approach in carrying out disciplinary actions for crimes committed by former military personnel whose lives may have been detrimentally affected by military/combat service. A network of case managers, local programs/agencies, professional and mentoring programs facilitates the individualized treatment needed to help these veterans retake control of their lives. The Veteran's Court is held on the second and fourth Thursdays of each month. Chairman Flohr closed the meeting. Commissioner Lienhoop motioned to pass on first reading the

Ordinance Creating a Fund to be Known as the Veteran's Court Fund. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next item was the **Monthly Animal Control Report** for January, 2016. Commissioner Lienhoop acknowledged receipt of the report with numbers as follows: there was a total of 99 cases, 24 animals were picked up, 97 audits, 1 violation, 0 fines, 1 bite case, 7 door hangers placed, 12 reclaimed animals, and 3 traps loaned to the public. The two vans traveled a total of 3,163 miles. Commissioner Kleinhenz made a motion to accept the January report. Commissioner Lienhoop seconded the motion which passed unanimously.

The last agenda item, Application and Certificate for **Payment to Demolition Excavating Group, Inc.** ("DEG") for the last draw on the Annex Demolition was not ready for consideration and postponed until next week.

The next Commissioners' Meeting will be held on Monday, March 7, 2016 at 10:00 a.m. in the Commissioners' Chambers. There being no other business, the meeting was adjourned at 11:35 a.m.

BARTHOLOMEW COUNTY
COMMISSIONERS

RICHARD A. FLOHR, CHAIRMAN

LARRY S. KLEINHENZ, MEMBER

CARL H. LIENHOOP, MEMBER

ATTEST:

BARBARA J. HACKMAN

ORDINANCE NO.: 02, 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 commitments:

1. A buffer 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. The buffer shall be a minimum of 100 feet in width and shall include the fence or wall and the plant material required with a fence or wall for a Type A Buffer, as defined by the Zoning Ordinance in effect as of December 9, 2015. The 100 foot buffer width shall include, rather than be in addition to, any other required setbacks. The buffer shall only be required so long as the property at 6985 East State Road 46 remains in residential use.
2. The use of the property shall be limited to those uses listed as permitted and conditional uses for the CR zoning district, as defined by the Zoning Ordinance in effect as of December 9, 2015, with the following exceptions:
 - a. The following uses shall be prohibited: utility substation, liquor store, agricultural supply facility, mobile & manufactured home sales, and agricultural products terminal.
 - b. The following uses listed as permitted in the CR zoning district shall instead be conditional on the subject property: auto-oriented uses (small scale), auto-oriented uses (medium scale), auto-oriented uses (large scale), builder's supply store, equipment rental, farm equipment sales & service, recreational uses (small scale), and wholesale 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 2nd DAY OF February, 2016.

"Recused"
Carl H. Lienhoop

Larry S. Kleinhenz
Larry S. Kleinhenz

Richard A. Flohr
Richard A. Flohr

ATTEST:

Barbara J. Hackman
Barbara J. Hackman, Auditor
Bartholomew County, Indiana

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON SECOND READING THIS 29th DAY OF February, 2016.

"Recused"
Carl H. Lienhoop

Larry S. Kleinhenz
Larry S. Kleinhenz

Richard A. Flohr
Richard A. Flohr

ATTEST:

Barbara J. Hackman
Barbara J. Hackman, Auditor
Bartholomew County, Indiana

RESOLUTION NO. 2016- 03

**RESOLUTION ADOPTING A CAPITAL
IMPROVEMENT PLAN FOR UTILIZATION OF ECONOMIC
DEVELOPMENT INCOME TAX FUNDS**

WHEREAS, the Board of Commissioners of Bartholomew County, Indiana intend to adopt a Capital Improvement Plan for the utilization of Economic Development Income Tax (EDIT) Funds during calendar years 2016 and 2017; and

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA to adopt the following Capital Improvement Plan pertaining to the utilization of the County's portion of the EDIT Funds during calendar years 2016 and 2017.

1. Up to the sum of One Million Three Hundred Ninety-Eight Thousand Dollars (\$1,398,000.00) will be utilized during calendar year 2016 for public safety which said sum includes up to Three Hundred Thousand Dollars (\$300,000.00) to defray expenses associated with operating the jail and up to Three Hundred Seventy Six Thousand Dollars (\$376,000.00) to defray expenses associated with operating the Emergency Operations Center.

2. Up to the sum of Fifteen Thousand Dollars (\$15,000.00) will be used to obtain two (2) seats on the Columbus Economic Development Board in calendar years 2016 and 2017. One membership shall be utilized by a Bartholomew County Commissioner and one membership shall be utilized by a Bartholomew County Council member.

3. Up to the sum of Five Hundred Thousand Dollars (\$500,000.00) will be utilized during calendar year 2016 for general maintenance and repair of county roads.

4. During calendar year 2017, up to the sum of Two Hundred Thousand Dollars will be utilized for public safety.

5. During calendar year 2017, any EDIT Funds received in excess of \$200,000.00 and up to all EDIT Funds on account from prior years will be utilized for the maintenance and repair of county roads and/or the replacement of, or improvements to, County Highway structures or infrastructure.

6. Upon passage of this resolution and proper appropriation by the Bartholomew County Council, the Bartholomew County Auditor is authorized to distribute the County's portion of the EDIT Funds consistent with the provision of this Capital Improvement Plan.

7. That this Resolution and Amended Capital Improvement Plan shall be effective Immediately upon its passage.

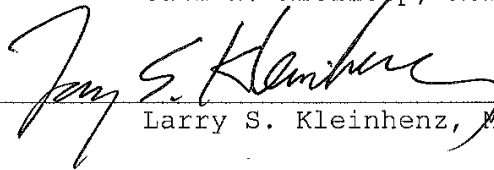
BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA



Richard A. Flohr, Chairman

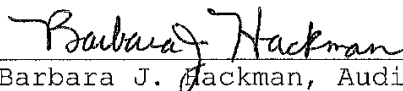


Carl H. Lienloop, Member



Larry S. Kleinhenz, Member

ATTEST:



Barbara J. Jackman, Auditor