

**COMMISSIONER'S MEETING**  
**May 31, 2011**

The Bartholomew County Commissioners met in regular session on May 31, 2011 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Carl Lienhoop called the meeting to order at 10:00 am. Commissioner Larry Kleinhenz, Commissioner Paul Franke, Auditor Barbara J. Hackman, and County Attorney J. Grant Tucker were also in attendance. Chairman Lienhoop gave the Invocation and led the Pledge of Allegiance.

Next, the minutes of the May 23, 2011 meeting were approved unanimously on a motion by Commissioner Kleinhenz and seconded by Commissioner Franke.

The Payroll Claims were presented for approval. Commissioner Franke made a motion to approve the Payroll Claims. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Chairman Lienhoop read the New Permits Report from 5/23/2011 to 5/27/2011. Forty-eight permits were issued with a fee amount of \$4,783.00 and a valuation amount of \$2,704,814.00.

County Highway Engineer Danny Hollander presented the Commissioners with the Release of Driveway Bond 10B-06 in Wayne Township for Lot #2 in Somerset Meadows on Somerset Drive intersecting 400 West. Commissioner Kleinhenz made a motion to approve releasing Driveway Bond 10B-06. Commissioner Franke seconded the motion that passed unanimously.

Next, Engineer Hollander presented the Commissioners with a Proposal with Milestone Contractors, L.P. to add an additional 3.48 miles (0.85 miles on Deaver Road, 2.3 miles on Youth Camp Road, and 0.5 miles on 100 South) to the 2011 Overlay Program due to the great price received by Milestone. Therefore, a total of 21.23 miles of roads will be paved during the 2011 Overlay Program. Commissioner Kleinhenz made a motion to approve the proposal with Milestone to add 3.48 miles to the 2011 Overlay Program. Commissioner Franke seconded the motion that passed unanimously.

Next, Engineer Hollander presented the Commissioners with the first reading of the following Ordinance 2011-01: Establishing a Speed Limit on a Portion of County Road 150 West in Bartholomew County.

**AN ORDINANCE ESTABLISHING A SPEED LIMIT ON A PORTION OF  
COUNTY ROAD 150 WEST IN BARTHOLOMEW COUNTY**

**WHEREAS**, the Board of Commissioners of Bartholomew County, Indiana (“Commissioners”) adopted Ordinance No. 1996-16 which established maximum speed limits on streets, roadways and alleys located within Bartholomew County; and

**WHEREAS**, from time to time it is advisable to review, and if necessary, designate maximum speed limits for certain roadway, or portions thereof; and

**WHEREAS**, the Bartholomew County Engineer has recommended to the Commissioners that a maximum speed limit be established on a portion of County Road 150 West in Bartholomew County that is different than that which was established generally by Ordinance No. 1996-16; and

**WHEREAS**, the Commissioners believe that establishing a maximum speed limit on a portion of County Road 150 West that is different than that which was established generally by Ordinance No. 1996-16 is appropriate.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF  
COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA, AS FOLLOWS:**

- Section 1. That there is hereby established a maximum speed limit of forty-five (45) miles per hour on that portion of County Road 150 West located in Bartholomew County from its intersection with County Road 200 South, to its intersection with Deaver Road.
- Section 2. Any person found to have violated this Ordinance shall be guilty of a Class C infraction.
- Section 3. Those portion of Ordinance 1996-16 not affected by this Ordinance shall remain in full force and effect.
- Section 4. This Ordinance shall be effective upon its passage and upon the replacement of appropriate signage.

**PASSED ON FIRST READING THIS 31<sup>st</sup> DAY OF MAY, 2011.**

**BOARD OF COMMISSIONERS OF  
BARTHOLOMEW COUNTY, INDIANA**

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

\_\_\_\_\_  
Larry S. Kleinhenz, Member

\_\_\_\_\_  
Paul Franke, Member

**ATTEST:**

By: \_\_\_\_\_  
Barbara J. Hackman, Auditor of  
Bartholomew County, Indiana

Commissioner Franke made a motion to approve the first reading of the speed limit ordinance. Commissioner Kleinhenz seconded the motion, but before a vote was taken, Chairman Lienhoop opened the public hearing part of the meeting to hear questions or comments from the audience about the speed limit ordinance. Hearing no public

comment, Chairman Lienhoop closed the public hearing part of the meeting. A vote was then taken and the motion passed unanimously to approve the first reading this speed limit ordinance.

Next, Engineer Hollander then gave the Weekly Crew Report. Last week, the Highway Crew cut and cleaned up trees from the storms, replaced pipes on 100 South and 650 East, ditched on 600 South, put in driveway pipes on 625 South and in the Somerset Addition, patched roads, put up signs, and mowed in Wayne, Columbus, and Sandcreek Townships.

Next, the Director of Work Release Rob Gaskill and the Director of Court Services Brad Barnes presented the Commissioners with a Consideration of a Grant Agreement for the Indiana Department of Corrections that will be effective from July 1, 2011 to June 30, 2012 in the amount of \$1,169,929.00. This is the same amount of funding that Community Corrections received last year. Chairman Lienhoop made a motion to approve the grant agreement for the Indiana Department of Corrections in the amount of \$1,169,929.00. Commissioner Kleinhenz seconded the motion that passed unanimously.

The next item on the agenda was a Consideration of an Ordinance to Accept the Bartholomew County Code of Ordinances Recodification. County Attorney J. Grant Tucker mentioned that the last codification was in 1994. The 2011 codification will include Bartholomew County ordinances that are new, amendment, or deleted through 2010. The Recodification Ordinance reads as follows:

**ORDINANCE AMENDING, REVISING, COMPILING, CODIFYING,  
ADOPTING AND ENACTING THE EXISTING ORDINANCES OF  
BARTHOLOMEW COUNTY, INDIANA AND OFFICIALLY ADOPTING THE  
BARTHOLOMEW COUNTY CODE**

**WHEREAS**, Indiana Code 36-1-5-3 requires the legislative body of counties to codify its ordinances into a complete and simplified code;

**WHEREAS**, the Bartholomew County Commissioners most recently codified its ordinances in 1994; and

**WHEREAS**, there have been a number of amendments, revisions, deletions from and additions to the County's ordinance since that time; and

**WHEREAS**, the Bartholomew County Commissioners believe it to be appropriate to update its existing County Code; and

**WHEREAS**, Bartholomew County has reviewed its existing Code and Ordinances and has indentified those which should be part of the recodified Bartholomew County Code; and

**WHEREAS**, the Bartholomew County Commissioners believe that this codification and adoption of the Bartholomew County Code is in the best interest of Bartholomew County.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA AS FOLLOWS:**

SECTION I: The ordinances of Bartholomew County, Indiana, as amended, revised, restated, compiled and codified are hereby adopted and shall be known as the "Bartholomew County Code."

SECTION II: "The Bartholomew County Code" as adopted herein shall consist of the following titles and chapters:

TITLE PAGE  
TABLE OF CONTENTS PAGE  
CERTIFICATION PAGE  
PUBLIC OFFICIALS PAGE

TITLE I – GENERAL PROVISIONS

TITLE II – ADMINISTRATION

TITLE III – PUBLIC WORKS

TITLE IV – TRAFFIC CODE

TITLE V – GENERAL REGULATIONS

TITLE VI – BUSINESS REGULATIONS

TABLE VII – GENERAL OFFENSES

TABLE VIII – LAND USAGE

TABLE OF SPECIAL ORDINANCES  
PARALLEL REFERENCES  
INDEX

SECTION III. All prior ordinances pertaining to the subjects treated in this code of ordinances shall be deemed repealed from and after the effective date of this Ordinance except as the same are included, readopted and codified or recodified in whole or in part in such code; provided however, that such repeal shall not effect any offense committed or penalty incurred or any right or duty established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, assessing fines or fees, appropriating money, annexing or de-annexing territory, establishing franchises, or granting of special rights to certain persons, authorizing public improvements, authorizing issuance of bonds or the borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the code.

SECTION IV. Any and all additions or amendments to such code, when pass in such form as to indicate the intention of the Board of County Commissioners to make the same a part thereof, shall be deemed to be incorporated in such code, such that references to the Bartholomew County Code shall be understood and intended to include such subsequent additions and amendments.

SECTION V. Two copies of the Bartholomew County Code shall be kept on file in the office of the County Auditor, or the Auditor's designee, to insert in their designated

places all amendments or new ordinances which indicate the intention of the Bartholomew County Commissioners to make the same a part of such code and to extract from such code all provisions which may be from time to time repealed by the Board of County Commissioners. A copy of such code shall be available to all persons desiring to examine the same and shall be considered the official code of Bartholomew County, Indiana.

SECTION VI. It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of such code are severable and if any phrase, clause, sentence, paragraph, section, article, division or chapter of such code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections, articles, divisions or chapters of such code.

SECTION VII. Whenever in this ordinance or in such code an act is prohibited or is made or declared to be unlawful or an offense, or whenever in this ordinance or in such code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this ordinance or of such code shall be punishable by a fine not exceeding \$2,500.00. The fine assessed for the violation of any ordinance requiring a license may be the sum equal to the amount required by the ordinance to be paid for such license, unless otherwise provided. Minimum fines for traffic violations shall be \$2,500.00 or as further addressed in the code, and the minimum fines for load limit violations on county roads and bridges shall be \$100.00 for as further addressed in the code.

SECTION VIII. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of such code shall be deemed a public nuisance and may be by the County abated as provided by law, and each day such condition shall continue shall be regarded as a new and separate offense.

SECTION IX. All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION X. This ordinance shall be in full force and affect from and after it's passage and approval as provided by law.

**PASSED ON FIRST READING THIS 31<sup>st</sup> DAY OF MAY, 2011.**

**BOARD OF COMMISSIONERS OF  
BARTHOLOMEW COUNTY, INDIANA**

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

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Larry S. Kleinhenz, Member

\_\_\_\_\_  
Paul Franke, Member

**ATTEST:**

By: \_\_\_\_\_  
Barbara J. Hackman, Auditor of  
Bartholomew County, Indiana

Chairman Lienhoop opened the public hearing part of the meeting to hear questions or comments from the audience about the first reading of the Recodification Ordinance. Hearing no public comment, Chairman Lienhoop closed the public hearing part of the meeting. Commissioner Franke made a motion to approve accepting the First Reading of the Ordinance for the County Code of Ordinances Recodification. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Commissioner Franke presented the Commissioners with the April 2011 Monthly Animal Control Report. In April 2011, Animal Control took thirty (30) dogs and nineteen (19) cats to the Humane Society, had one hundred forty-five (145) audits, eighteen (18) violations, fifteen (15) fines, five (5) bite cases, hung nineteen (19) door hangers, had nine (9) animals reclaimed, loaned out three (3) traps to the public, and had a total of one hundred ninety-six (196) cases. Van #1 was driven 2,588 miles, and Van #2 was driven 1,912 miles. Commissioner Franke made a motion to approve the Animal



Control Monthly Report for April 2011. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Health Department Director Collis Mayfield came before the Commissioners to explain that the Health Department Nursing Division has received approval and a grant to purchase six Motorola radios and the required hardware for those radios in the amount of \$9,352.50 from Owens Communications, Inc. of Columbus, Indiana. These items have been reviewed by Dennis Moats of Emergency Management to assure compliance with county radio procedures. Chairman Lienhoop made a motion to approve the grant for the Health Department Nursing Division to purchase six Motorola radios and the accompanying hardware. Commissioner Franke seconded the motion that passed unanimously.

There being no other business, the meeting was adjourned by Chairman Lienhoop at 10:35 am. The next Commissioner's meeting will be held on Monday, June 6, 2011 at 10:00 am in the Commissioner's Chambers.

BARTHOLOMEW COUNTY  
COMMISSIONERS

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CARL H. LIENHOOP, CHAIRMAN

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PAUL FRANKE, MEMBER

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LARRY S. KLEINHENZ, MEMBER

ATTEST:

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BARBARA J. HACKMAN, AUDITOR