

## COMMISSIONERS' MEETING

May 11, 2020

The Bartholomew County Commissioners met on May 11, 2020, in the Commissioners' Chambers of the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Carl Lienhoop, Rick Flohr and Larry Kleinhenz were present. County Attorney J. Grant Tucker was present. Auditor Pia O'Connor was present through Zoom meeting.

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

The first order of business was the approval of the May 4, 2020, Commissioners' Meeting Minutes. Commissioner Flohr motioned to approve the minutes as presented. Commissioner Kleinhenz seconded the motion which passed unanimously.

Next item was the approval of claims. Commissioner Kleinhenz motioned to approve the claims as presented. Commissioner Flohr seconded the motion that passed unanimously.

The next item was weekly reports as read by Commissioner Lienhoop:

<i>Time frame</i>	<i>New permits</i>	<i>Fees</i>	<i>Value</i>
<i>5/4/20 to 5/8/20</i>	<i>34</i>	<i>\$3,171.00</i>	<i>\$ 1,810,152</i>

The next item was the County Highway Weekly Crew Report presented by Engineer Danny Hollander (via Zoom). The following work had been done: replaced 4 culvert pipes on 550 N; bermed on 450 N, 550 N, 500 E, 250 W and Heflin Park Road; patched with Hot Box and Dura-patcher; picked up trees in Rockcreek & Wayne Townships; side-winded roads from last year's overlay project and worked on signs.

The next item was the Consideration to Bidders for the 2020 Road Overlay Program as presented by Engineer Hollander. This is a matching grant and the Highway has the match amount in their budget. The Notice is as follows:

### *NOTICE TO BIDDERS*

*Advertised 5/14/2020 and 5/21/2020*

*Notice is hereby given that Bartholomew County, Indiana, acting by and through its Board of Commissioners, will received sealed bids, on Monday, June 1, 2020 until 10:00 a.m. local time at the Office of the County Commissioners, in the Government Office*

*Building at 440 Third Street, Columbus, Indiana, for the 2020 Road Overlay Program  
Phase – 2.*

*The bids shall be in unit prices for all the work called for in the bid documents and submitted on the Proposal Form along with Form 96 prescribed by the State Board of Accounts.*

*Each sealed bid is to be accompanied by a certified check or bid bond in an amount equal to ten percent (10%) of the total bid made payable to the Bartholomew County Treasurer. The above check or bond is to insure the execution of the contract on which such bids are made.*

*The successful Bidder to whom the work is awarded will be required to furnish, before commencing work, a performance, maintenance and payment bond in an amount equal to the bid price of the contract awarded and certificates of insurance required by the specifications.*

*The bid documents may be obtained at the Commissioner's Office. If you have any questions, please contact the County Highway Department at 812-379-1660.*

*The Board of Commissioners of Bartholomew County reserves the right to reject all bids, and the right to waive any informality in the bidding process.*

Commissioner Flohr motioned to approve the advertisement of the bids. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the Consideration of Proposals for two (2) Slip Line Culverts by Engineer Hollander as follows:

*11701 Grandview Dr – Liner (70) LF Plus Install*

- Civilcon \$18,536.00*
- E3 Bridge \$19,250.00*

*4001 Poplar Drive Liner Project – (160) LF Plus Install*

- Civilcon \$75,161.00*

- *E3 Bridge*

*\$79,750.00*

Commissioner Lienhoop motioned to accept the two (2) low bids from Civilcon. Commissioner Kleinhenz seconded the motion which passed unanimously. Commissioner Kleinhenz asked if these were deep underground. Engineer Hollander stated they are about 15' under the roadway and they are 18" and 48" culverts. The liners will prevent having to dig up the roadway as well as removing trees in the area.

The next item on the agenda was the First Reading – Consideration of an Ordinance Regulating the Construction, Maintenance, Operation and Licensing of Public and Semi-Public Swimming Pools and Providing Penalties for Violations Thereof as presented by Environmental Health Director Link Fulp and Scott Murray. Director Fulp explained that we currently do not have a local ordinance for pools as we are using the State rules. This will give them better control of the issues as well as provide penalties for failures to comply. Scott Murray stated that the main reasons for closing a pool would be the level of the chemicals within the pool. There are forty-six (46) pools that require inspections with another one (1) under construction. They do their inspections in the summer utilizing interns. The Ordinance is attached as **Exhibit "A"**. Mark Webber asked about the penalties that this would provide. Director Fulp read the portion of the Ordinance stating the violations and fees associated with them. Year round pool licenses are \$100 and seasonal pool licenses are \$50. The public hearing was closed. Commissioner Flohr motioned to approve the Ordinance upon First Reading. Commissioner Kleinhenz seconded the motion which passed unanimously. Commissioner Kleinhenz asked regarding the safety steps to protect from drownings. Scott Murray stated a new safety act came in to place 6 or 7 years ago and they are very cognizant of the safety issues. The second reading will be held next Monday, May 18, 2020.

The next item on the agenda was the Consideration of a Resolution 2020-09 Establishing a Bartholomew County COVID-19 Public Health Leave Policy. County Attorney Grant Tucker explained the Resolution. This is to comply with Federal Regulations for employers of up to 500 employees and reads as follows:

***Resolution No. 2020-09***

***A RESOLUTION ESTABLISHING A BARTHOLOMEW COUNTY  
COVID-19 PUBLIC HEALTH LEAVE POLICY***

*WHEREAS, the Governor of the State of Indiana has declared a Public Health Emergency as a result of the Coronavirus Disease 2019 (COVID-19) outbreak; and*

*WHEREAS, in order to reduce and slow the spread of COVID-19 the Centers for Disease Control and Prevention (CDC) and the Indiana State Department of Health (ISDH) have recommended the implementation of Mitigation Strategies including cancellation of large gatherings and utilizing social distancing in small gatherings; and*

*WHEREAS, Governor Eric Holcomb has allowed the “Stay at Home Order” issued in Executive Order 20-08 dated March 23, 2020 to expire allowing Indiana citizens to return to work; and*

*WHEREAS, while Bartholomew County Government intends to open subject to certain limitations it is determined to be necessary and proper to grant employees Public Health Leave in light of the COVID-19 outbreak.*

*NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY AS FOLLOWS:*

- 1. County Employees who are able and healthy are expected to work as scheduled with the following exceptions:*
  - A. Employees who have a current diagnosis of COVID-19 or who have been in close contact with a person with symptomatic laboratory confirmed COVID-19;*
  - B. Employees who are under quarantine (including self-imposed quarantine) or are instructed not to return to work by a healthcare provider or a local, State or Federal official in order to mitigate or prevent the spread of COVID-19.*
  - C. Employees who do not have a current diagnosis of COVID-19 but who develop signs or symptoms compatible with COVID-19 until such time as a diagnosis is confirmed or five (5) days after compatible symptoms have ended unless directed otherwise by a healthcare provider or a local, State or Federal official in order to prevent the spread of COVID-19.*
  - D. Employees who are caring for a person in a non-healthcare setting who have COVID-19 or is under quarantine related to COVID-19.*
  - E. Employees who are at risk for complications from COVID-19 due to a diagnosed health condition and who are presently under the care of a physician for the diagnosed condition whose job duties require close contact but for whom temporary job modification is not possible;*
  - F. Employees who are engaged in primary caregiving, because of the COVID -19 related closing of a school or other care facility or care program, for a child or other*

*individual unable to provide self-care (if two (2) or more caregivers living in the same home are County employees, only one (1) caregiver is eligible for Public Health Leave per day)*

- 2. County employees who meet the exceptions contained in subsections A, B, C, D, E or F above will be granted up to two (2) weeks eighty (80 hours) of paid Public Health Leave paid at 100% of their regular rate of pay. However, if an employee meets only Exception F listed above and the school closure occurs when the employee had already scheduled the use of benefit time (vacation or personal time) the employee must use their benefit time as planned prior to utilizing paid Public Health Leave.*
- 3. In order to be eligible to receive any benefit under this policy, an employee must have a Public Health Leave Form, signed by their Department Head or Elected Official, on file with the Auditor's Office. Employees who knowingly falsify eligibility information may be subject to disciplinary action up to and including termination. Should an employee on Public Health Leave have a change in status such that he or she no longer meets an eligibility exception, he or she should return to work as scheduled.*
- 4. This policy shall terminate fourteen (14) days following the end of the Declared Public Health Emergency or at 11:59 p.m. on December 31, 2020, whichever is first to occur.*
- 5. Any unused days will expire upon the termination of this policy.*
- 6. The policy shall be effective immediately upon its passage, however, it shall be applied retroactively to employees who otherwise would have qualified for this leave under this policy on or after February 1, 2020.*

*DATED THIS 11<sup>th</sup> DAY OF MAY, 2020.*

*BOARD OF COMMISSIONERS OF  
BARTHOLOMEW COUNTY, INDIANA*

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*Carl H Lienhoop, Chairman*

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*Richard A. Flohr, Member*

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*Larry S Kleinhenz, Member*

ATTEST:

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*Pia O'Connor, Auditor*

Commissioner Kleinhenz pointed out the termination date of the policy. Attorney Tucker noted that it is also retroactive to February, 2020. Commissioner Kleinhenz motioned to approve the Public Health Leave Policy as presented. Commissioner Flohr seconded the motion which passed unanimously.

Auditor Pia O'Connor (via Zoom) noted that the Council Meeting will be held in the Commissioners Chambers tomorrow night, Tuesday, May 12, 2020 at 6:00 p.m.

Mark Webber asked when the decision to resume public meetings would be made. Chairman Lienhoop stated that would be somewhere down the road at this time. They have tentatively determined to keep the buildings closed to the public until Monday, June 1, 2020. They will continue to update with regards to these items.

The next regular session of the Board of Commissioners will be held on Monday, **May 18, 2020** at 10:00 a.m. in the GOB Commissioners' Chambers. There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY  
COMMISSIONERS

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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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PIA O'CONNOR

**EXHIBIT "A"**

**POOL ORDINANCE NO.2020 - \_\_\_\_\_**

**AN ORDINANCE REGULATING THE CONSTRUCTION,  
MAINTENANCE, OPERATION AND LICENSING OF PUBLIC AND  
SEMI-PUBLIC SWIMMING POOLS AND PROVIDING PENALTIES  
FOR VIOLATIONS THEREOF**

WHEREAS, The Board of Commissioners of Bartholomew County, Indiana, recognize the need to regulate public and semi-public swimming pools being constructed and operated with Bartholomew County; and

WHEREAS, The Bartholomew County Health Officer, acting by and through the Environmental Health Division of the Bartholomew County Health Department is qualified to and shall be responsible for enforcing this Ordinance once the same is passed and becomes effective.

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

**SECTION 1 DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. "BATHER" means any person using the facility and adjoining area for the purpose of therapy, relaxation, recreation, or related activities.
  
- 8. "HEALTH OFFICER" means the duly appointed Health Officer of Bartholomew County, Indiana, or his/her authorized agent or representative of the Environmental Health Division of the Bartholomew County Health Department.
  
- C. "PERSON" means any individual, partnership, co-partnership, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, or municipality, or its legal representative or agent.
  
- D. "POOL FACILITY" means, as used in the remaining sections of this ordinance: public swimming pool, plunge pool, zero depth pool, wave pool, diving pool, wading pool, water slide, splash pad, spa and semi-public pool unless otherwise specifically indicated.
  
- E. "PRIVATE SWIMMING POOL" means any swimming or wading pools

beaches, recreational water slide flumes, spa or hot tub located on private property and under control of a home-owner, the use of which is restricted to members of the family or their invited guests.

- F. "PUBLIC SWIMMING POOL" means any pool, other than those pools defined as semi-public pool, which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use.
- G. "WATER SLIDE" means a recreational device designed to provide a descending ride into a splash down pool at the base for the slide. Low friction on the slide bed or flume is achieved in all designs by providing a flowing water stream.
- H. "SWIMMING POOL SLIDE" means any device used to enter a pool by sliding down an inclined plane or equipment similar to a playground slide.
- I. "WADING POOL" means a pool used for bathing that has a maximum depth of two (2) feet.
- J. "WAVE POOL" means any pool having a bottom sloped upward from the deep end to the surface at the shallow end with equipment installed at the deep end to create wave motions in the water.
- K. "ZERO DEPTH POOL" means any pool with a bottom sloped upward from the deep end to the surface level at the shallow end.
- L. "DIVING POOL" means any pool that is designed and constructed primarily for diving and does not have a shallow end.
- M. "PLUNGE POOL" means a pool located at the exit end of a waterslide flume that is intended and designed to receive sliders emerging the flume.
- N. "INTERACTIVE WATER FOUNTAIN" means any wet deck, splash pad, spray pad, or spray parks or water fountains provided for water recreation that lack standing water. These may recirculate water or drain direct to sanitary sewer.
- O. "SPA" means a pool designed for recreational and/or therapeutic use, which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:
  - 1) hydro-jet circulation;
  - 2) hot water;
  - 3) cold water;
  - 4) mineral baths;

- 5) air induction systems; or
- 6) any combination thereof.

P. "SEMI-PUBLIC POOL" means any pool facility that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:

- (1) schools, universities, and colleges;
- (2) hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;
- (3) camps or mobile home parks; or
- (4) membership clubs or associations.

Q. "PUBLIC WADING POOL" means a small pool for use by children for bathing which:

- (1) is designed and constructed for a turnover rate of at least one (1) turnover per hour;
- (2) has a maximum depth of two (2) feet;
- (3) has operational functions similar to a swimming pool; and
- (4) is operated by a concessionaire, owner, lessee, operator or licensee irrespective of whether a fee is charged for use.

## SECTION II LICENSE

- A. It shall be unlawful for any person to operate a pool facility in Bartholomew County who does not possess a valid license from the Health Officer. Such license shall be posted in a conspicuous place on the premises of such pool facility. Only persons who comply with the applicable requirements of this ordinance shall be entitled to receive and retain such a license. Such licenses are non-negotiable and not transferable. Application for and pertinent fees shall be submitted to the Health Officer prior to the opening of the pool facility. Licenses shall be issued for the calendar year, when in the judgment of the Health Officer, the pool facility is in full compliance with all requirements of this ordinance.
- B. No License or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.
- C. License fees to persons who operate a pool facility shall be charged in accordance with the fee schedule established by the Bartholomew County Board of Health and approved by the Board of Commissioners of Bartholomew County and may be modified or changed from time to time. Tax supported units of government shall be exempt from the payment of fees. Fees shall include both a registration fee and a yearly charge for a calendar year or part thereof that the pool facility is open. This is to be established at the time of application, due and payable at the time of issuance of the license.

### **SECTION III CONSTRUCTION**

- A. The requirements of the Indiana Swimming Pool Code of the Indiana Homeland Security Division of Fire and Building Safety are hereby incorporated by reference as part of this ordinance and all pool facilities shall be designed, constructed, and maintained in accordance with the terms and provisions of such code.
  
- B. Plans and specifications for pool facilities and the location of same must be approved by Indiana Homeland Security Division of Fire and Building Safety and the Environmental Health Division. Such plans and specification submitted for approval shall have been prepared by or under the supervision of a professional engineer or architect legal registered in the State of Indiana or certified by him/her, and bear his/her official seal.
  
- C. Pool facilities operating at the time of this ordinance becomes effective, which are not in compliance with the standards set forth in this ordinance, will be allowed reasonable opportunity and time to bring the operation up to standards within a time determined by the Health Officer.

### **SECTION IV OPERATION**

- A. All pool facilities shall comply with the minimum requirements specified by the Indiana State Department of Health as now provided in Rule 410 IAC 6-2 or as the same may be hereafter changed or amended. Such regulations and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made a part hereof, two copies of which are on file in the office of the Auditor of Bartholomew County for public inspection.
  
- B. All pool facilities must have at least one person knowledgeable in pool operation and safety practices and responsible for the daily operation of the pool facility. Such person(s) shall be responsible for seeing that all personnel and bathers comply with the provisions of this ordinance.
  
- C. Operators of pool facilities shall arrange for the collection of bacteriological sample of the water in the pool facility prior to operation for the season for outdoor pools or within the first 30 days of the calendar year for indoor pools. Results of such examination shall be reported to the Environmental Health Division of the Bartholomew County Health Department. Failure to meet these requirements shall constitute grounds for license suspensions.

## SECTION V INSPECTION

- A. During each operating season, a thorough inspection shall be conducted by the Health Officer to determine compliance with this ordinance. More frequent inspections may be made when the Health Officer deems it necessary. The person operating the pool facility shall, upon the request of the Health Officer, permit such Health Officer access to all parts of such pool facility and shall permit the Health Officer to collect samples, evidence, and/or exhibits and to copy any or all records relative to the enforcement of this ordinance.
- B. A written or electronic copy of the inspection report shall be provided to the pool operator at the time of inspection.
- C. If, during the inspection of any pool facility, the Health Officer discovers violations of the requirements of this ordinance, he/she shall issue a written notice to the operator, or in his/her absence, to the registered person on duty, listing such violations and fixing a time within which the said violations shall be abated or remedied except as noted in paragraph H of this section. A copy of the written notice shall be filed with the records of the Health Officer.
- D. If upon a second inspection the Health Officer finds that the provisions of this ordinance which were in violation on the previous inspection and for which a written notice was issued have not been satisfactorily corrected, the Health Officer may promptly issue a written order to the licensee of such pool facility to appear at a certain time not later than ten (10) days from the date of the final inspection and at a place fixed in said order to show cause why the license issued under the provision of Section II should not be suspended or revoked.
- E. The Health Officer upon such hearing if the licensee should fail to show cause, shall revoke said license and promptly give written notice of such action to the licensee.
- F. Any license issued under this ordinance may be temporarily suspended by the Health Officer without notice or hearing for a period not to exceed thirty (30) days for any of the following reasons:
  - 1. Unsanitary, unsafe, or other conditions which in the Health Officer's judgement endanger the public's health;
  - 2. Conditions which in the Health Officer's judgement pollute the environment;
  - 3. Interference with the Health Officer in the performance of his/her duties;

Provided, however, that upon written application from the licensee served upon the Health Officer within fifteen (15) days after such suspension, the Health Officer shall conduct a hearing upon the matter after giving at least five (5) days written notice of the time, place, and purpose thereof the suspended license; provided further that any such suspension order shall be issued by the Health Officer in writing and served upon the licensee by leaving a copy at his/her pool facility or by delivering of Registered or Certified Mail to such address.

- G. Any person whose license has been suspended may at any time make application to the Health Officer for the reinstatement of his/her license.

### **SECTION VI PENALTIES**

- A. Any person found to be interfering with the duties of the executive officer of the County Health Department shall be guilty of an infraction. On conviction, the violator shall be punished for the first offense by a fine of not more than \$500.00; for the second and each subsequent offense by a fine of not more than \$1500.00. Each day after the expiration of such time limiting for compliance as ordered by the County Health Department, shall constitute a distinct separate offense.
  
- B. Any person found to be in violation of this chapter shall be guilty of an infraction. On conviction, the violator shall be punished for the first offense by a fine of not more than \$500.00; for the second and each subsequent offense by a fine of not more than \$1500.00. Each day after the expiration of such time limiting for compliance as ordered by the County Health Department, shall constitute a distinct separate offense.

### **SECTION VII APPEAL PROCEDURES**

- A. If an applicant is denied a license, the Health Officer shall grant a hearing on the matter, provided that such applicant shall file in the office of the Health Officer, within ten (10) days after receiving notice the license has been denied, a brief statement of the grounds therefore. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and shall give the applicant written notice thereof.
  
- B. After such hearing the Health Officer shall sustain, modify, or reverse the decision to deny the license, depending upon his/her findings as to the compliance with the provisions of this ordinance. If the Health Officer shall sustain, modify or reverse the decision to deny the permit, it shall be deemed to be an order.

**SECTION VIII SEVERABILITY**

If any section, paragraph, clause, phrase, or word of this ordinance, or any part thereof shall be declared invalid for any reason, the remainder of said ordinance shall not be affected thereby, and shall remain in full force and effect.

**SECTION IX REPEALER**

All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION X EFFECTIVE DATE**

The ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Bartholomew County, Indiana and publication as required by law.

**Passed on First Reading this 11th day of May, 2020.**

BARTHOLOMEW COUNTY  
COMMISSIONERS

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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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PIA O'CONNOR, AUDITOR

**Passed on Second Reading and ADOPTED this 18<sup>th</sup> Day of May, 2020.**

BARTHOLOMEW COUNTY  
COMMISSIONERS

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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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PIA O'CONNOR, AUDITOR