

COMMISSIONERS' MEETING

May 18, 2020

The Bartholomew County Commissioners met on May 18, 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 11, 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 payroll. Commissioner Kleinhenz motioned to approve the payroll as presented. Commissioner Flohr seconded the motion that passed unanimously.

The next item was the Ratification of Data Board items from their meeting this morning. IT Director Scott Mayes (present) listed the items for Ratification:

- 1. Call recording for E911 for their new phone system as requested by E911 Director Todd Noblitt. He received 3 quotes. He requested they go with the middle quote, as the lowest quote was from their current company and they have had issues as well as concerns of the quoted package working with the new digital phone system. The middle bid was from **Word Systems, Inc. for \$81,383.00**. They are in 80% of the PSAPs in the State of Indiana. This includes a 5-year warranty and they have 24/7/365 support. This was approved unanimously by the Data Board.*
- 2. An extension of the Print Services Contract with **Jim Gordon, Inc. for \$10,762.53**. This contract expired after the first quarter. Director Mayes was able to secure another quarter for maintenance only. All equipment leases/purchases have been met. The amount for the extension was \$10,762.53. This was approved unanimously by the Data Board.*
- 3. This was an added expense to the monthly phone bill for fax service. It was discovered after the new phones were installed that the existing fax system had reached end-of-life and would not work with the new phones. Director Mayes worked with All Covered to find a quick solution. The additional monthly cost is \$2,663.72. He asked for a maximum phone bill amount of **not-to-exceed \$15,000** per month. He will be replacing*

the fax equipment in the future which should lower the bill. This was approved unanimously by the Data Board.

4. *This is for a new contract for Print Services starting July 1, 2020. He put out bids to 3 vendors and received back 2 quotes. The low quote was from **M&M Office Products for \$16,759.68 per quarter**. This is \$7,600 less than the other bid from Jim Gordon, Inc. This was approved unanimously by the Data Board.*

Commissioner Kleinhenz motioned to Ratify the expenditures from the Data Board. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the weekly permit report as read by Commissioner Lienhoop:

<i>Time frame</i>	<i>New permits</i>	<i>Fees</i>	<i>Value</i>
<i>5/11/20 to 5/15/20</i>	<i>37</i>	<i>\$2,352.00</i>	<i>\$ 821,360</i>

The next item was the County Highway Weekly Crew Report presented by Engineer Danny Hollander (via Zoom). The following work had been done: bermed roads for overlay project; level dirt at Heflen Park; replaced pipes on 400 S and 100 W; put up signs; ran ditcher on 250 W, 550 S and 175 W; placed stone along roads; patched with the Hotbox and DuraPatcher and mowed in Clay, Columbus and Sandcreek Townships.

Engineer Hollander also presented the Highway 2019 Annual Report. Commissioner Kleinhenz motioned to accept the 2019 Annual Report for the Highway. Commissioner Lienhoop seconded the motion which passed unanimously.

The next item was the Consideration of an Interlocal Agreement Between Bartholomew County, Indiana and the City of Columbus, Indiana Regarding Expenses for the Joint Narcotics Enforcement Team (JNET) as presented by Sheriff's Department Chief Deputy Chris Lane (via Zoom). This replaces an Agreement of July 28, 2015. This Agreement states that the County and City will split expenses 50/50, with Columbus Police Department paying all costs up front. The Sheriff's Department will reimburse the Columbus Police Department for half of the expenditures related to JNET. Commissioner Lienhoop motioned to approve the Interlocal Agreement as presented. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the Consideration of a Change Order #1 for the new highway department building. This is an upgrade proposal from Circle R to move the ventilation systems from the roof to the side walls. This will extend the life of the roof as well as reducing the possibilities of leaks. This

change order will increase the amount by \$19,320 bringing the total Circle R contract amount to \$1,237,889.00. Commissioner Kleinhenz motioned to approve the Change Order #1 for Circle R as presented. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the Second Reading of an Ordinance Regulating the Construction, Maintenance, Operation and Licensing of Public and Semi-Public Swimming Pools and Providing Penalties for Violations Thereof (see attached Exhibit "A"). The Health Department had presented this Ordinance at the last Commissioners Meeting. Chairman Lienhoop opened the meeting for public input. There were no comments or questions. Chairman Lienhoop closed the public hearing portion. Commissioner Flohr motioned to accept Ordinance 2020-10 as presented on the Second Reading. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was Consideration of Bids for Lawn Maintenance. Maintenance Director Trimpe (not present) had received 3 quotes for lawn maintenance at the Courthouse and the Purdue Extension facility as follows:

<i>TruGreen Commercial</i>	<i>\$2,160</i>
<i>Topio of Columbus</i>	<i>\$2,300</i>
<i>(Topio is current provider and he is unhappy with service)</i>	
<i>LawnPride (Indianapolis, IN)</i>	<i>\$2,800</i>

Director Trimpe had recommended TruGreen (low bid). Commissioner Lienhoop motioned to award the Contract to the low bidder, TruGreen, for \$2,160. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was under Miscellaneous. It was the Consideration of a Grant Agreement for Emergency Management for Public Assistance Grants. This Grant is through FEMA and we can apply for it anytime we are under a Declared Disaster Emergency. EMA has applied for this with the COVID-19 for the additional expenses incurred due to the virus. This is a reimbursable FEMA Grant and is a 75% Federal/25% Local match. This is the same kind of grant that was applied for after the 2008 flood. Commissioner Kleinhenz motioned to approve the Grant Application as presented. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the Consideration of a Grant Application for the Sheriff's Department for Operation Pull Over (OPO) as presented by Deputy Jim Stevens (via Zoom). This is a reimbursable grant application with the Indiana Criminal Justice Institute for officers that will work overtime patrols in the area of impaired driving, speeding, seat belt enforcement, aggressive driving and school bus stop arm violations. The amount of the request is \$30,000. Commissioner Flohr motioned to approve

the Grant Application for Operation Pull Over in the amount of \$30,000. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the Consideration of a Grant Application to FEMA for the Sheriff's Department as presented by Deputy Jim Stevens (via Zoom). This is a reimbursable grant application with the Department of Justices for COVID-19 relief. They are asking for funds to cover jail and nursing contracts and the cost of COVID-19 supplies for a total of \$300,000. Commissioner Kleinhenz motioned to approve the Grant Application with FEMA as presented. Commissioner Flohr seconded the motion which passed unanimously.

There will be no Commissioners Meeting next week as Monday, May 25, 2020 is Memorial Day.

Auditor Pia O'Connor stated that she will be working with Courts for grants regarding digital court rooms. She is also preparing information for the 2021 Budget Hearings. They are finalizing the State Board of Accounts Annual Audit for 2019. Her office has gone back to the four 10 hour days, with some personnel still working remotely.

Mark Webber of the Republic (via Zoom) asked if there were any significant changes to the Interlocal Agreement for JNET. Attorney Grant stated that it broadened the scope of the work as well as what the funding could be used for.

The next regular session of the Board of Commissioners will be held on Monday, **June 1, 2020** at 10:00 a.m. in the GOB Commissioners' Chambers. There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY
COMMISSIONERS

CARL H. LIENHOOP, CHAIRMAN

LARRY S. KLEINHENZ, MEMBER

RICHARD A. FLOHR, MEMBER

ATTEST:

PIA O'CONNOR

Exhibit "A"

POOL ORDINANCE NO. 2020 - 02

**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, "Commissioners" 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.
- B. "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.

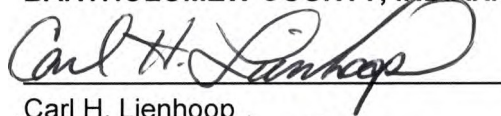
SECTION X EFFECTIVE DATE

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.

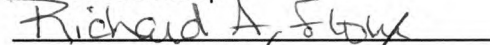
Passed on First Reading this 11th day of May, 2020.

BOARD OF COMMISSIONERS OF

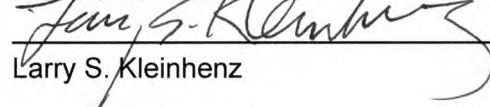
BARTHOLOMEW COUNTY, INDIANA



Carl H. Lienhoop



Richard A. Flohr



Larry S. Kleinhenz

Attest

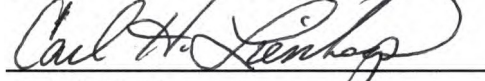


Pia O'Connor, Auditor


Passed on Second Reading and ADOPTED this 18th day of May, 2020.

BOARD OF COMMISSIONERS OF

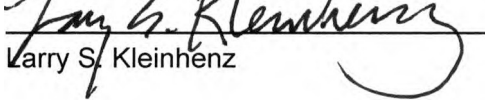
BARTHOLOMEW COUNTY, INDIANA



Carl H. Lienhoop

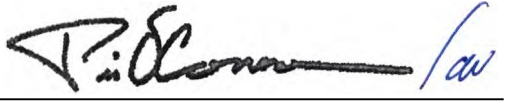


Richard A. Flohr



Larry S. Kleinhenz

Attest:



Pia O'Connor, Auditor

