

January 15, 2013

Commissioners met on this day with the following members present: John Richwine and Steffanie Owens. Commissioner Jeff Hardin was absent. Also present were Attorney Jeff Graham for Jim Wilson, County Auditor Jane Lyons and Human Resource Director, Shawn Swindell.

Commissioner Richwine sustained the regular meeting:

IN THE MATTER OF BOARD OF FINANCE MEETING

Commissioners held the Board of Finance Meeting:

(SEE MINUTES AFTER JANUARY 15 COMMISSIONERS MINUTES)

Commissioners meeting was opened again:

IN THE MATTER OF APPROVAL OF ORDINANCE 2013-BC-O-01, AN ORDINANCE AMENDING THE OFFICIAL TEXT OF THE MADISONCOUNTY LAND USE AND DEVELOPMENT CODE, MADISON COUNTY, INDIANA

Ken Ellis, Planning Commission Director, presented Ordinance No. 2013-BC-0-01 for approval by the Commissioners. Motion to approve said Ordinance made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

ORDINANCE NO. 2013-BC-0-01

**AN ORDINANCE AMENDING THE OFFICIAL TEXT OF THE
MADISON COUNTY LAND USE AND DEVELOPMENT CODE,
MADISON COUNTY, INDIANA, AS HEREIN DESCRIBED**

WHEREAS, an Ordinance has been referred to the duly authorized Planning Commission of Madison County, Indiana, for a text change to the Madison County Land use and Development Code, as hereinafter described; and

WHEREAS, the Madison County Planning Commission has given proper notice and conducted public hearings on November 13, 2012, and December 11, 2012 for this Ordinance and, thereafter, made a favorable recommendation to the Board of Commissioners of Madison County, Indiana; being Petition #2012-T-001.

WHEREAS, the Madison County Board of Commissioners did hold a public meeting to consider the recommendation submitted; and

WHEREAS, the Board of County Commissioners concur in the recommendations of the Madison County Planning Commission regarding the amendment as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, INDIANA, UNDER THE AUTHORITY OF INDIANA CODE §36-7-4-607 AND ALL ACTS AMENDATORY THERETO, THAT ORDINACE NUMBER 2002-BC-06 BE AMENDED AS FOLLOWS:

SECTION 1. That Madison County Zoning Ordinance No. 2002-BC-06, as shown by the records of Madison County, Indiana, be amended and incorporated therein, to-wit:

13.7 Improvement Location Permit (IP)

ADD- p. all exempt residential structures under IC 36-7-8-3(d), the "Log Cabin Rule" shall require an Improvement Location Permit and an electrical permit when applicable, but shall be exempt from building code inspections and building inspection fees.

Review of exempt residential structure Improvement Location Permits shall require:

- i. A signed and recorded affidavit affirming that the applicant is, in fact, building a structure under IC 36-7-8-3(d).
- ii. A site plan as described in Subsection 13.7 (C) to ensure that encroachment into designated floodplains, easements, public rights-of-way, or other non-buildable areas does not occur.
- iii. Submission of building plans to ensure compliance with Zoning Ordinance development standards.
- iv. An on-site inspection for compliance with all applicable ordinances.
- v. Issuance of a Certificate of Compliance before occupancy of the structure. A certificate of compliance is required to be completed, signed and filed with the Madison County Planning Department so as to verify setbacks,

easements, establish any applicable flood hazard requirements, and clearly indicate no building inspections will be conducted by county officials.

13.7 Improvement Location Permit (IP)

ADD-q. any building or structure customarily used in connection with a farm other than a residence is an agricultural building or structure. All agricultural building or structures constructed in the normal course of agricultural business for the support of individual farms are not subject to requirements of the Madison County Building Code, but shall require an Improvement Location Permit subject to placement requirements established by the zoning code but shall be exempt from building code inspections and building inspection fees. However, if any agricultural structure requires plumbing, heating, sewage, electrical installation, or office space; such structure will be subject to *the* applicable commercial permit fees and inspections contained in the ordinance. Review of an exempt agricultural building or structure Improvement Location Permits shall require the following:

- i. A signed and recorded affidavit affirming that the applicant is, in fact, building an exempt agricultural structure.
- ii. A site plan as described in Subsection 13.7 (C) to ensure that encroachment into designated floodplains, easements, public rights-of-way, or other non-buildable areas does not occur.
- iii. Building plans to ensure compliance with Zoning Ordinance development standards, and applicable codes.
- iv. An on-site inspection for compliance with all applicable ordinances.
- vi. Issuance of a Certificate of Compliance before occupancy of the structure. A certificate of compliance for agricultural exempt buildings is required to be completed, signed and filed with the Madison County Planning Department so as to verify setbacks, easements, establish any applicable flood hazard requirements so as to verify setbacks, easements, establish any applicable flood hazard requirements, and clearly indicate no building inspections will be conducted by county officials.

Zoning Ordinance Definitions: 1.5 Basic Provisions

AMEND-Racetrack: Any venue for the sport of racing or competing where participants drive, ride, or control motorized vehicles and (non-motorized). A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to oval track racing, drag racing, motor cross, tractor pulling, go-kart racing, remote control airplane flying, and similar uses. See Car Racetrack, Go-Kart Track, Motor Cross Track, and Private Off Road Track.

ADD-Car Racetrack. A Special Use on any real estate used by vehicles, but not limited to bicycles, automobiles, motorcycles or any motorized vehicles and (non-motorized vehicles) on a dirt or paved courses used to compete against the clock or other vehicles whether or not for profit or compensation. Specifically excluded from this ordinance are all off-road and recreational vehicles used for law enforcement purposes; for carrying out the functions of government, used by a farming operation in the normal course of its business, and owner occupied real estate for non-organized personal amusement and recreational enjoyment.

ADD-Go-Kart Track. A Special Use on any real estate, used by motorized vehicles and (non-motorized vehicles) which are similar in nature to an automobile but with a size in miniature and usually intended to accommodate one or two occupants and is for recreational, practice, competition, and/or personal amusement whether or not for profit or compensation. Specifically excluded from this ordinance are all off-road and recreational vehicles used for law enforcement purposes; for carrying out the functions of government, used by a farming operation in the normal course of its business, and owner occupied real estate for non-organized personal amusement and recreational enjoyment.

ADD-Motor Cross Track. A Special Use on any real estate used by vehicles, but not limited to bicycles, motorcycles or any motorized vehicles and (non-motorized vehicles), on but not limited to a cross country course of rough terrain, steep hills and hairpin curves, whether or not for profit or compensation. Specifically excluded from this ordinance are all off-road and recreational vehicles used for law enforcement purposes; for carrying out the functions of government, and used by a farming operation in the normal course of its business, and owner occupied real estate for non-organized personal amusement and recreational enjoyment.

Add-Private Off Road Track. A Special Use on any real estate used by vehicles, but not limited to bicycles, motorcycles, or any motorized vehicles and (non-motorized vehicles), for recreational, practice and/or personal amusement which is not for profit included but not limited to cross country courses of rough terrain. Specifically excluded from this ordinance are all off-road and recreational vehicles used for law enforcement purposes; for carrying out the functions of government, used by a farming operation in the normal course of its business, and owner occupied real estate for non-organized personal amusement and recreational enjoyment.

Zoning Ordinance Article 11.8 – Special Uses

ADD-11.8 (J)

1. Racetrack, Private Off Road Track, Motor Cross Track, Go-Kart Track, and Car Racetrack shall be a permitted as a special use in AP, AG, CR, and PR zones only, and shall be more than 1000 feet from any R1, R2, or R3 District or any residential use not on the same parcel with the Special Use.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage by the Commissioners of Madison County, Indiana, and publication as by law provided. Passed and adopted by the Board of Commissioners of Madison County, Indiana, this ____ day of _____, 2013.

**MADISON COUNTY PLANNING COMMISSION
CERTIFICATION**

BY: 
Kenneth E. Ellis AICP, Executive Director

ATTEST:

Elizabeth Bruns
Elizabeth Bruns, *Commission Secretary*

THIS ORDINANCE WAS PASSED AND ENACTED by the Board of Commissioners of
Madison County, Indiana, this 15th day of January, 2013.

**MADISON COUNTY BOARD OF
COMMISSIONERS**

BY: John Richwine
JOHN RICHWINE, *President*

Steffanie Owens
STEFFANIE OWENS, *Vice President*

Jeffrey Hardin
JEFFREY HARDIN, *Member*

ATTEST:

Jane E Lyons
JANE LYONS,
County Auditor

PREPARED BY:
Madison County Planning Commission

January 15, 2013

IN THE MATTER OF LOCAL ELECTED OFFICIALS AGREEMENT FOR MADISON COUNTY

Cindy Donnelly, Director of JobSource, presented the Local Elected Officials Agreement for Madison County. The Workforce Development extended the original thru June of 2013. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF SUB GRANT AGREEMENT FOR EMERGENCY MANAGEMENT GRANT

Tom Ecker, EMA Director, came before the Commissioners asking for approval of a sub-grant agreement for adding computers to emergency management units to connect with the New World Public Safety software. The amount of the grant will be \$4,054.00. Motion to approve grant agreement made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF CANCELLATION OF MEMORANDUM OF UNDERSTANDING BETWEEN MADISON COUNTY AND RICHLAND TOWNSHIP

Tom Ecker also presented a cancellation of the original Memorandum of Understanding with Richland Township for the manning and storage of the hazmat truck. Richland Township has less people then they had when the MOU was signed and the truck is need of some repairs that they cannot fund. The EMA Department is taking back the truck and the Anderson Fire Department will be manning it. Motion to cancel the MOU with Richland Township made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF EMPLOYMENT AGREEMENT FOR STEPHEN RICHARDSON

Commissioners approved the Employment Agreement for Stephen Richardson, Director of the County Chemical People Task Force, for 2013. The Agreement is the same as last year. Motion to approve made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF RESOLUTION NO. 2013-BC-R-01, A RESOLUTION TO TRANSFER A SURPLUS VEHICLE FROM MADISON COUNTY TO THE POLICE DEPARTMENT OF THE TOWN OF PENDLETON

Commissioners approved Resolution No. 2013-BC-R-01, transferring an old vehicle from the EMA Department to the Town of Pendleton police department. Commissioner Richwine read said Resolution. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

RESOLUTION 2013-BC-R-1

**A RESOLUTION TO TRANSFER A SURPLUS VEHICLE FROM MADISON COUNTY,
INDIANA TO THE POLICE DEPARTMENT OF THE TOWN OF PENDLETON,
INDIANA, AND A RESOLUTION APPROVING THE TRANSFER OF PROPERTY**

A resolution approving the transfer of property to another governmental entity under Indiana Code 36-1-11-8 should read as follows:

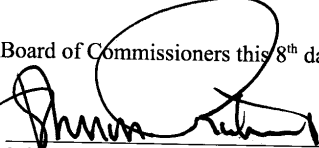
WHEREAS, Indiana code 35-1-11-8 provides that "A transfer or exchange of property may be made with a governmental entity upon terms and conditions agreed upon by the entities as evidenced by adoption of a substantially identical resolution by each entity. Such a transfer may be made for any amount of real property, cash, or other personal property, as agreed upon by the entities;" and,

WHEREAS, the Pendleton Police Department is in need of a "Special Purpose Vehicle" to be utilized at crime scene investigations and special events; and,

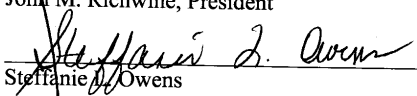
WHEREAS, the County of Madison, Indiana has agreed to transfer to the Pendleton Police Department, a surplus 1994 Chevrolet Commercial Box Truck (white) VIN# CPM32A3303418 for One Dollar (\$1.00), payable on or before January 31, 2013.

NOW THEREFORE, BE IT RESOLVED by the Madison County Board of Commissioners that Madison County shall sell and transfer to the Town of Pendleton, Indiana, a 1994 Chevrolet Commercial Box Truck (white) VIN# CPM32A3303418 for the total price of One Dollar (\$1.00) from the County of Madison, Indiana, said amount to be paid in cash on or before January 31, 2013.

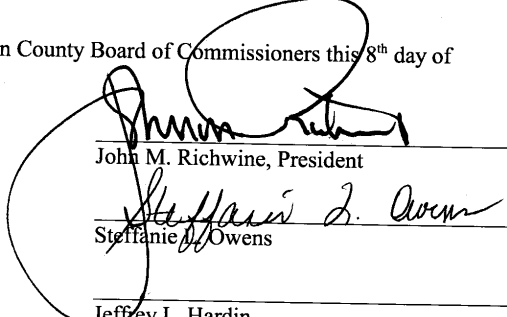
Passed and adopted by the Madison County Board of Commissioners this 8th day of January 2013.



John M. Richwine, President



Stephanie J. Owens



Jeffrey L. Hardin

ATTEST:



Jane Lyons, Madison County Auditor

January 15, 2013

IN THE MATTER OF APPROVAL FOR JERRY BRIDGES, COG DIRECTOR, TO BE APPOINTED TO THE CIRTA BOARD

Commissioners appointed Jerry Bridges, COG Director to the CIRTA Board. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF CONSTRUCTION ENGINEERING AGREEMENT FOR MADISON COUNTY BRIDGE 123

Commissioners approved the Construction Engineering Agreement for Madison County Bridge 123, CR 600 W over White River, with United Consulting. The total contract amount is \$136,300.00(hourly). Motion to approve made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF CENTRAL INDIANA MITIGATION PROVIDERS, LLC AGREEMENT FOR MADISON COUNTY ROAD 300 E, NORTH OF US 36

Commissioners approved the Central Indiana Mitigation Providers, LLC Agreement for Madison County Road 300E, North of US 36, for the wetland replacement requirements. .42 acres must be replaced at the cost of \$44,800.00. Motion to approve agreement made by John Richwine contingent on the County attorney's review. Motion seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF RESOLUTION NO. 2013-BC-R-02, A RESOLUTION OF THE INTERLOCAL COOPERATION AGREEMENT BETWEEN MADISON COUNTY AND THE TOWN OF CHESTERFIELD

Commissioners approved Resolution No. 2013-BC-R-02 giving the Town of Chesterfield the use of the county's durapatcher. Motion to approve made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

2013-BC-R-02

RESOLUTION NO. 2

INTERLOCAL COOPERATION AGREEMENT

BETWEEN MADISON COUNTY, INDIANA

AND

TOWN OF CHESTERFIELD, INDIANA

WHEREAS, I.C. 35-1-11-8 provides that "a transfer or exchange of property may be made with a governmental entity upon terms and conditions agreed upon by the entities as evidenced by adoption of substantially identical Resolutions by each entity." Such a transfer may be made for any amount of real property, cash, or other personal property as agreed upon by the entities; and,

WHEREAS, Madison County, Indiana is a political subdivision established under Indiana law, and currently provides road services and maintenance thereof to the residents of Madison County; and

WHEREAS, pursuant to those duties and the responsibilities Madison County, Indiana, has acquired and continues to acquire oil for the purposes of maintenance on County roads; and,

WHEREAS, the Town of Chesterfield is an Indiana political subdivision and pursuant to its duties to maintain the town streets and public ways has purchased a Dura Patcher which requires the acquisition of oil of a type and quality already being purchased by Madison County as set forth above; and,

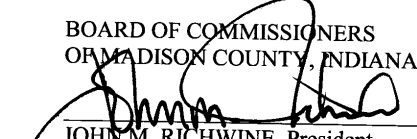
WHEREAS, Madison County has agreed to sell and the Town of Chesterfield has agreed to purchase from the County the oil set forth hereinabove for use in its Dura Patcher for the County's per gallon cost of purchasing said oil plus \$0.20 per gallon; and,

WHEREAS, the Board of Commissioners of Madison County, Indiana, and the Town Council of the Town of Chesterfield have adopted this Resolution the day set forth herein.

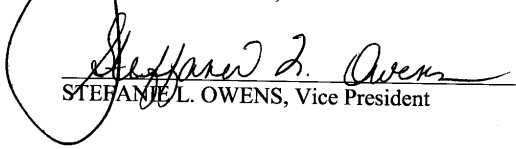
NOW, THEREFORE, BE IT RESOLVED by Madison County, Indiana, that it will sell to the Town of Chesterfield its oil for use in Chesterfield's Dura Patcher for the cost of the County in acquiring said oil plus \$0.20 per gallon. Said amounts will be paid by the Town of Chesterfield to Madison County monthly.

PASSED AND ADOPTED BY THE MADISON COUNTY COMMISSIONERS this ___ day of January 2013.

BOARD OF COMMISSIONERS
OF MADISON COUNTY, INDIANA



JOHN M. RICHWINE, President



STEPHANIE L. OWENS, Vice President

JEFFERY L. HARDIN, Member

Executed this ___ day of January 2013, by the Town of Chesterfield, Indiana.

BOARD OF PUBLIC WORKS OF THE
TOWN OF CHESTERFIELD, INDIANA

BY: _____

BY: _____

BY: _____

ATTEST:

BY: _____


Secretary

PREPARED/APPROVED BY:

James W. Wilson, Madison County Attorney

Chesterfield Town Attorney

January 15, 2013

IN THE MATTER OF ADOPTING CALENDAR FOR THE 2013 INTERNET COMMISSIONERS CERTIFICATE SALE

Commissioners adopted the calendar for the 2013 internet Commissioners Certificate Sale upon motions made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF SENDING ADJACENT LAND OWNERS LETTERS CONCERNING THE SALE

Commissioners approved having SRI, Inc., the company that is conducting the Commissioners Certificate Sale, to send any adjacent landowners to the properties on the sale list in the City of Anderson, Town of Alexandria and City of Elwood, a letter informing them the property adjacent to them is going to be up for sale. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER APPROVAL OF RESOLUTION NO. 2013-BC-R-03, A RESOLUTION ESTABLISHING THE INTENT TO CONDUCT A COMMISSIONERS SALE TO SELL TAX SALE CERTIFICATES FOR PROPERTIES THAT ARE SEVERELY DELINQUENT IN PAYMENT OF PROPERTY TAXES

Commissioners approved Resolution No. 2013-BC-R-03, to hold an Internet Commissioners Certificate Sale on March 22nd through March 29th. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

Commissioner Richwine asked SRI, Inc. if they would set up a seminar to help people understand how to bid and buy properties on the sale.

RESOLUTION 2013-BC-R-03

A RESOLUTION ESTABLISHING THE INTENT TO CONDUCT A COMMISSIONERS' SALE TO SELL TAX SALE CERTIFICATES FOR PROPERTIES THAT ARE SEVERELY DELINQUENT IN PAYMENT OF PROPERTY TAXES.

WHEREAS, there are several properties in Madison County that are severely delinquent in the payment of property taxes, having been offered for tax sales and which received no bids equal to or in excess of minimum sale price. The parcel numbers of those properties being attached to this resolution as "Exhibit A", and

WHEREAS, there is an assessed value associated with these properties for taxation purposes, but no taxes are being collected, therefore causing a lower than expected tax distribution to those taxing units and taxing districts within which the properties are located, and

WHEREAS, the Madison County Commissioners desire to have these properties back on the tax rolls with taxes being collected, and

WHEREAS, IC 6-1.1-24-6, *et seq.* allows for the County Commissioners to acquire a lien on those delinquent properties and receive issuance of the tax sale certificates for those properties, without taking title to the properties, therefore limiting the liability and cost normally associated with taking title,

NOW, THEREFORE, BE IT RESOLVED by the Madison County Board of Commissioners that the County Executive shall acquire liens and receive tax sale certificates of the properties listed on Exhibit A that are severely delinquent and sell said certificates at a properly advertised Commissioner Tax Certificate sale.

Adopted this 15th day of January 2013.

By: 

Its: _____

By: Stephen J. Owens

Its: _____

By: _____

Its: _____

ATTEST: Jane E Lyons
Jane Lyons, Madison County, Auditor

The next regular Commissioners meeting is set for February 5, 2013 at 10:00 a.m.

There being no further business the meeting was adjourned.

BOARD OF COMMISSIONERS
