

April 15, 2008

Commissioners met on this day with the following members present: John Richwine, Patricia Dillon and Paul Wilson. Also present were County Attorney Jim Wilson, County Auditor Kathy Stoops-Wright, Deputy Auditor Jane Lyons and Commissioners Office Manager Linda Smith.

IN THE MATTER OF APPROVAL OF MINUTES

Commissioners approved the minutes for April 1, 2008 upon motions made by John Richwine and seconded by Patricia Dillon. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF AMENDING ORDINANCE 2008-BC-O-10, PETITION NO. 574

Planning Commission Director, Cory Wilson, presented Amending Ordinance 2008-BC-O-10, Petition #574, Petitioner Cecil Duane Knotts, to allow rezone of Alexandria Airport from AG (agriculture) to IS (institutional) for continued use as an airport on property commonly known as 1577 E 900 N, Alexandria, IN also described as Pt of the NE 4 of S32-T21-R8E in Monore Twp, containing approximately 36.843 acres, more or less. Motion to approve made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

ORDINANCE NO. 2008-BC-O-10

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP AS TO CERTAIN REAL ESTATE WITHIN THE COUNTY OF MADISON, INDIANA, AS HEREIN DESCRIBED

WHEREAS, an Ordinance has been referred to the duly authorized Plan Commission of Madison County, Indiana, for a change in the Official Zone Map as to certain real estate in said County as hereinafter described; and

WHEREAS, the Madison County Planning Commission has given proper notice and conducted a public hearing for this Ordinance and, thereafter, made a favorable recommendation to the Commissioners of Madison County, Indiana on April 15th, 2008; being Petition #574

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF MADISON COUNTY, INDIANA, UNDER THE AUTHORITY OF INDIANA CODE §36-7-4-608, AND ALL ACTS AMENDATORY THERETO, AS FOLLOWS:

SECTION 1. That Zoning Ordinance No. 2002-BC-06 of Madison County, Indiana, as shown by the records of Madison County, Indiana, be amended to change the Zone Map as incorporated therein and the following described real estate in Madison County, Indiana, to-wit:

See Attachment A

be and the same is hereby rezoned from the present zoning of AG to IS. The subject property is located on the southeast corner of CR 900 North and CR 150 East, Madison County, Indiana consisting of 36.843 Acres, more or less, and subject to various commitments concerning the use, which commitments are attached hereto as Exhibit "B".

April 15, 2008

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 15th day of April, 2008 .

**MADISON COUNTY PLAN
COMMISSION**

BY: S/Bill Maxwell
Bill Maxwell, *President*

ATTEST:

 S/Beverly Guignet
Beverly Guignet, *Secretary*

THIS ORDINANCE WAS PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this 15th day of April, 2008 .

**MADISON COUNTY BOARD OF
COMMISSIONERS**

BY: S/John Richwine
JOHN RICHWINE, *President*

 S/Paul Wilson
PAUL F. WILSON, *Member*

 S/Patricia Dillon
PATRICIA DILLON, *Member*

ATTEST:

 S/Kathy Stoops Wright
KATHY STOOPS WRIGHT,
County Auditor

PREPARED BY:
Madison County Planning Commission

April 15, 2008

IN THE MATTER OF APPROVAL OF AMENDING ORDINANCE 2008-BC-O-11, PETITION NO 579

Planning Commission Director, Cory Wilson presented Amending Ordinance 2008-BC-O-11, Petition #579, Petitioner William J & Delores Wilson, to allow rezone AG (agriculture) to GC (General Commercial), property located on the southeast corner of SR 67 and CR 580 W, in Madison County, Indiana consisting of 22 acres more or less. Motion to approve made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

ORDINANCE NO. 2008-BC-O-11

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP AS TO CERTAIN REAL ESTATE WITHIN THE COUNTY OF MADISON, INDIANA, AS HEREIN DESCRIBED

WHEREAS, an Ordinance has been referred to the duly authorized Plan Commission of Madison County, Indiana, for a change in the Official Zone Map as to certain real estate in said County as hereinafter described; and

WHEREAS, the Madison County Planning Commission has given proper notice and conducted a public hearing for this Ordinance and, thereafter, made a favorable recommendation to the Commissioners of Madison County, Indiana on April 15th, 2008; being Petition #579

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF MADISON COUNTY, INDIANA, UNDER THE AUTHORITY OF INDIANA CODE §36-7-4-608, AND ALL ACTS AMENDATORY THERETO, AS FOLLOWS:

SECTION 1. That Zoning Ordinance No. 2002-BC-06 of Madison County, Indiana, as shown by the records of Madison County, Indiana, be amended to change the Zone Map as incorporated therein and the following described real estate in Madison County, Indiana, to-wit:

See Attachment A

be and the same is hereby rezoned from the present zoning of AG to GC. The subject property is located on the southeast corner of SR 67 and CR 580 West, Madison County, Indiana consisting of 22 Acres, more or less, and subject to various commitments concerning the use, which commitments are attached hereto as Exhibit "B".

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 15th day of April, 2008.

**MADISON COUNTY PLAN
COMMISSION**

BY: S/Bill Maxwell
Bill Maxwell, *President*

April 15, 2008

ATTEST:

S/Beverly Guignet
Beverly Guignet, *Secretary*

THIS ORDINANCE WAS PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this 15th day of April, 20 08.

MADISON COUNTY BOARD OF COMMISSIONERS

BY: S/John Richwine
JOHN RICHWINE, *President*

S/Paul Wilson
PAUL F. WILSON, *Member*

S/Patricia Dillon
PATRICIA DILLON, *Member*

ATTEST:

S/Kathy Stoops Wright
KATHY STOOPS WRIGHT,
County Auditor

PREPARED BY:
Madison County Planning Commission

IN THE MATTER OF SEALED BIDS ON VETERANS FLAGS

Commissioners received one bid for veterans flags from CVS Wholesale Flags, Marion, IN in the amount of \$3,477.60. Motion to accept said bid made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

**IN THE MATTER OF READING OF ORDINANCE NO 2007-BC-O-14,
ALLOWING COLLECTION OF CERTAIN FEES BY THE MADISON COUNTY
SHERIFF'S DEPARTMENT**

Ordinance No. 2007-BC-O-14 was passed in 2007 but only read once. By law the Ordinance must be read a second and third time since it involves fees being collected. The rule was suspended and the second and third reading was approved by motions made by John Richwine and seconded by Patricia Dillon. Motion carried unanimously.

April 15, 2008

IN THE MATTER OF AGREEMENT TO PROVIDE PROFESSIONAL CONSULTING SERVICES WITH MAXIMUS, INC.

Jeff Dossett, Director of Maximus, Inc. presented a contract to the Commissioners for professional consulting to recover indirect cost of Federal money from the Family and Children Services and JobSource to the county. Maximus, Inc. has had a contract with the County since 1977. The contract is a 3 year contract in the amount of \$10,200.00 per year. Motion to approve made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF ORDINANCE NO. 2008-BC-O-07, TATTOO AND BODY PIERCING ESTABLISHMENT ORDINANCE

Ordinance No. 2008-BC-O-07, Ordinance Amending 2002-BC-O-05, Tattoo and Body Piercing Establishment Ordinance was presented to the Board of Commissioners with several changes. Commissioner Paul Wilson read the following amendments into the minutes:

ORDINANCE 2008-BC-0 -07

AN ORDINANCE AMENDING ORDINANCE #2002-BC-0-05 ESTABLISHING TATTOO AND BODY PIERCING ESTABLISHMENTS

WHEREAS, the Board of Commissioners of Madison County, Indiana did, heretofore on the 4th day of June, 2002, approve an Ordinance entitled Tattoo and Body Piercing Establishments Ordinance;

WHEREAS, the Board of Commissioner of Madison County, Indiana, did, heretofore the 21st day of December 2004, approved an Ordinance Amending Ordinance 2002-BC-0-05; and,

WHEREAS the Board of Commissioners of Madison County, Indiana, hereby desire to further amend Ordinance 2002-BC-0-05.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS THAT ORDINANCE NO. 2002-BC-0-05, AS AMENDED, BE FURTHER AMENDED BY THE ADDITION OR MODIFICATION OF THE FOLLOWING LANGUAGE:

Section 3. License and permit required.

LICENSE AND PERMIT APPLICATION REQUIREMENTS:

- (A) **License Application Requirements.** A person shall apply for a tattoo and/or body piercing establishment license with the Madison County Health Department on forms prescribed by the Department. Applicants for establishments shall retain forms until all are completed and will submit all completed forms at one time to the Health Department. No individual forms shall be accepted. These forms shall include: 1) Establishment Application; 2) Proof of Universal Precautions Training; 3) Criminal Background Check Consent Form; and 4) Zoning Statement, which is required only for new businesses or for change of location of established businesses. Zoning Statements are not required for renewals. The application shall contain, in addition to other information required by the Department, the following information:

6) The applicant's consent to the Madison County Board of Health for acquiring the applicant's Criminal Background Report.

(E) No applicant for a license or permit under this rule shall be issued such license or permit if the applicant:

1) Has been convicted of a felony in the past five (5) years prior to application or is presently serving probation resulting from a felony conviction.

2) Has been convicted of a crime in the past ten (10) years that classifies the applicant as a "serious violent felon" as defined by I.C. §35-47-4-5, as amended or replaced.

3) Has ever been convicted of a crime which required applicant's registration on a Sex or Violent Offender Registry pursuant to I.C. §11-8-8-1 et seq., as amended or replaced.

4) Has been convicted of more than one (1) felony.

FEES

(C) For every new artist permit issued, there will be an additional background check fee of One Hundred Dollars (\$100.00).

Section 15. Reusable Equipment

(B) Records must be maintained to document the following:

1) Duration of sterilization technique;

2) Determination of effective sterility such as the use of biological indicator is performed within seven (7) days prior to use or as required by the Indiana Administrative Code.

Section 21. Minors

No minor shall receive a tattoo or body piercing without the presence of a parent or guardian and written permission from both parents or guardians, if not deceased. Parents of a minor must provide two (2) pieces of picture identification to prove parentage. Guardians must provide, in addition to the two (2) pieces of picture identification, documentation establishing their guardianship responsibility of the minor.

PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this ____ day of April, 2008.

MADISON COUNTY
BOARD OF COMMISSIONERS

John M. Richwine, President

Patricia Dillon, Member

Paul F. Wilson, Member

ATTEST:

Kathy Stoops-Wright, Auditor

Mr. Wilson made a motion to approve Ordinance 2008-BC-O-07 with amendments. Motion was seconded by Patricia Dillon. Commissioner John Richwine stated he had several questions and concerns with the wording in the Ordinance and asked for a roll call vote.

Roll Call Vote: Patricia Dillon – yes
Paul Wilson – yes
John Richwine – no

Ordinance will have a second reading at the next Commissioners meeting on May 7, 2008 due to not having a unanimous vote.

IN THE MATTER OF EMPLOYMENT AGREEMENT WITH STEVE W WEHRLY, RECYCLING CENTER EMPLOYEE

Commissioners approved an employment agreement with Steve W Wehrly for employment at the Madison County Recycling Center. Motion to approve made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF UNOFFICIAL DETOUR OF SR 37 FROM SR 28 TO GRANT COUNTY

Commissioners approved an unofficial detour of SR 37 from SR 28 to Grant County during construction of SR 37. Signs will be posted. Motion to approve made by John Richwine and seconded by Paul Wilson. Motion carried unanimously.

IN THE MATTER OF ORDINANCE NO. 2008-BC-O-08, ORDINANCE ESTABLISHING MADISON COUNTY SPEED LIMITS AMENDING ORDINANCE NO 2002-BC-O-11

Commissioners approved Ordinance No. 2008-BC-O-08, Ordinance Establishing Madison County Speed Limits Amending. Motion to approve made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

AMENDING ORDINANCE NO. 2008-BC-O-__08__

**ORDINANCE ESTABLISHING MADISON COUNTY SPEED
LIMITS AMENDING ORDINANCE NO. 2002-BC-O-11**

WHEREAS, the Board of Commissioners of Madison County, Indiana has determined it to be in the best interest and safety of Madison County and the citizens thereof for the establishment of speed limits along certain County Roads in Madison County, Indiana; and

WHEREAS, the Board of Commissioners of Madison County, Indiana did on the 3rd day of September, 2002, enact Ordinance No. 2002-BC-O-11 establishing various speed limits in Madison County, Indiana; and

WHEREAS, the Board of Commissioners of Madison County, Indiana has enacted Ordinances establishing additional various speed limits in Madison County, Indiana; and

WHEREAS, the Board of Commissioners of Madison County, Indiana has determined that it would be in the best interest and safety of Madison County and the citizens thereof to amend said Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MADISON COUNTY, INDIANA:

1. That the various County Roads at the designated locations thereof be and are hereby established and designated a certain speed limit as follows:

Road	Location	Speed Limit
CR 1100 South	From SR 109 to the Henry County Line	45 MPH

2. All provisions of Ordinance No. 2002-BC-O-11, as amended, not modified herein shall remain in full force and effect.

3. That this Amending Ordinance be in full force and effect from and after its passage and legal publication.

PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this 15th day of April, 2008.

MADISON COUNTY BOARD OF COMMISSIONERS

By: S/John M. Richwine
John M. Richwine, President

S/Patricia Dillon
Patricia Dillon

S/Paul Wilson
Paul F. Wilson

ATTEST:

S/Kathy Stoops-Wright
Kathy Stoops-Wright, Auditor

Publish: Anderson Herald Bulletin
Elwood Call Leader

April 19, 2008
April 26, 2008

April 15, 2008

IN THE MATTER OF DRIVEWAY PERMITS

Commissioners approved the following Driveway Permits upon motions made by John Richwine and seconded by Paul Wilson. Motion carried unanimously.

D07-75	Frank & Jackie Franks	1000S W of 300W S sd	Fall Cr
D08-6	Jerry Foster	7835 W 1000 S	Green
D08-7	Richard Godbey	100W 3/8 mi S of 1550 N	Boone
D08-8	Riffey Builders	640S ¼ mil E of 300E N sd	Union
D08-9	Allen Kremp	1050 S ½ mi E of SR 13 N	Green
D08-10	Daniel J Alcalá	200W ½ mi S of 1650 N E	Boone

IN THE MATTER OF UTILITY PERMITS

Commissioners approved the following Utility Permits upon motions made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

U08-11	AT&T	N Sd of 1400 N E of SR9	Van Buren
U08-12	Vectren Energy	4343 S 100 W	Fall Cr
U08-13	And City Water Util	632 E School St	Anderson

**IN THE MATTER OF RESOLUTION NO 2008-BC-R-09,
INTERGOVERNMENTAL TRANSFER OF VEHICLE**

Commissioners approved the following Resolution No. 2008-BC-R-09, Joint Resolution of the City of Anderson Safety Board and the Madison County Commissioners for the Transfer of Property. Motion to approve made by John Richwine and seconded by Paul Wilson. Motion carried unanimously.

**SAFETY BOARD RESOLUTION 08
MADISON COUNTY BOARD OF COMMISSIONERS
RESOLUTION 2008-BC-O-09**

**JOINT RESOLUTION OF THE CITY OF ANDERSON
SAFETY BOARD AND THE MADISON COUNTY
BOARD OF COMMISSIONERS
FOR THE TRANSFER OF PROPERTY**

WHEREAS, the City of Anderson Safety Board (ABoard@), the governing body of the City of Anderson Police Department (“Department”) exists and operates under the provisions of IC-36-8-3 as amended from time to time (“Act”); and

WHEREAS, the Board of Commissioners of Madison County (“Commissioners”), exists and operates under the provisions of I.C. 36-2-2 as amended from time to time; and

WHEREAS, I.C. 36-8-3-2 authorizes the transfer of property between governmental entities; and

WHEREAS, the Board is the owner of an automobile bearing Vehicle Identification Number 1G1ND52J4Y6191050 (“Automobile”); and

WHEREAS, it is in the City of Anderson’s (“City”) best interest for the Board to transfer the Automobile to the Commissioners to assist with effective law enforcement and prosecution of crimes committed in the City; and

NOW THEREFORE, BE IT RESOLVED by the City of Anderson, Indiana, Safety Board and the Board of Commissioners of Madison County that:

On April 17, 2008, the City of Anderson Safety Board approves the transfer of an automobile bearing Vehicle Identification Number 1G1ND52J4Y6191050.

On April 15, 2008, Board of Commissioners of Madison County accepts the transfer of an automobile bearing Vehicle Identification Number 1G1ND52J4Y6191050 from the City of Anderson Safety Board.

The Board of Commissioners of Madison County to use the subject property to enhance effective law enforcement and prosecution of crimes committed in the City of Anderson.

PASSED AND ADOPTED THIS 17th DAY OF APRIL, 2008 AT THE MEETING OF THE CITY OF ANDERSON SAFETY BOARD HELD IN THE CITY COUNCIL CHAMBERS, 120 EAST 8th STREET, ANDERSON, INDIANA.

AND FURTHER ADOPTED THIS 15th DAY OF APRIL, 2008 AT A MEETING OF THE BOARD OF COMMISSIONERS OF MADISON COUNTY HELD IN THE MADISON COUNTY GOVERNMENT CENTER, 16 EAST 9TH STREET, ANDERSON, INDIANA.

CITY OF ANDERSON SAFETY BOARD

Richard Wiley, President

ATTEST:

Maureen Lyons, Secretary

BOARD OF COMMISSIONERS OF
MADISON COUNTY

S/John Richwine
John Richwine, Commissioner

ATTEST:

S/Kathy Stoops Wright
, Secretary

Prepared by:
Jon Goehring
Assistant City Attorney
City of Anderson
Approved as to form:
Jim Wilson
Legal Counsel
Board of Commissioners

April 15, 2008

IN THE MATTER OF HIGHWAY DEPARTMENT REPORT

Highway Superintendent, Scott Harless, reported to the Commissioners that the Highway is 1/3 of the way done with hole patching and they have already spent approximately \$63,000. In 2006 they spent \$94,000 the whole year on hole patching and \$75,000 in 2007 for the whole year.

The next commissioner meeting was set for Wednesday, May 7, 2008 due to Tuesday May 6, 2008 being Election Day and the courthouse is closed.

There being no further business the meeting was adjourned.

BOARD OF COMMISSIONERS

