

May 16, 2006

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, 1st Deputy Auditor Patty Mauck and Commissioners Office Manager Shawn Swindell.

IN THE MATTER OF APPROVAL OF MINUTES

Commissioners approved the minutes for April 18, 2006 upon motions made by Patricia Dillon and seconded by Paul Wilson. Motion carried unanimously.

IN THE MATTER OF REZONING OF PETITION #454

Planning Director, Michael Hershman came before the Board of Commissioners with Petition #454 of Tony and Velma Harrison Revoc Living Trust for rezoning from AG to GC for retail use. This property is located on the west side of SR 13 approx. 1/3 mile south of Co Rd. 800S in Green Twp and containing 3 acres, more or less. Petition was forwarded from the Technical Review Committee with conditions. Planning approved this petition with a unanimous vote. There were some covenants put upon this property.

Dick Donnelly from R L Donnelly & Associates informed the Commissioners that they have delivered the covenants to the neighbors and they were happy that there was going to be a pizza place there or some good use. The neighborhood committee was also notified so they can see the sight plans as they develop. The most worry of the neighborhood is how the building is going to look.

Attorney, Jerry Shine, stated that they were concerned about land usage and lighting. That was addressed in the covenant. Mr. Hershman stated that there is an overlay district requirement which will address lighting, landscaping, type of building material, how roof is to be, where dumpsters are located. This will serve as a base at the bare minimum. The bare minimum is shielded down lighting, parking area have to be landscaped, pedestrian walkways have to be installed, building material facing the street will have to be a certain type of material, the roof has to be pitched, etc. The Ordinance addresses all the specifics between commercial and residential uses. Mr. Shine stated that they making a presentation to the Commissioners for the rezoning of this property only. They don't rezone use only rezone property. They have a list of things that are permit for usage of this property.

Mr. Donnelly stated the other big issue is the overlay development standards especially in planning screens and buffer yards are extensive and are as good as any in the state. We have agreed that on all three sides other then the road side to do a disclaiming screen and we will agree to meet any requirements. The problem is the exact configuration and type of use for the building is unknown, but once it is designed and goes to the Tech Review Committee that is where all the details will be worked out. The ultimate buyer will be made aware of the Commissioners wishes as to the quality and ability. By the time this is complete there will be way in excess of a million dollars in investments, there is no abatement. It will generate jobs and activity in the neighborhood. It should be a substantial load on the neighborhood. The probable use will be inside self-storage. Once there is some retail development out there this will probably stir more retail development. Mr. Shine asked Commissioners if in the future they would like them to bring in a power point presentation for any petitions so the Commissioners can see the locations and ideas of the different rezoning of properties. Commissioner Richwine and Commissioner Wilson said that would probably be helpful and be a valuable tool for others that come to the meetings.

No response from any of the home owners that received notice of the petition. There was some discussion after the BZA meeting in the hallway and the home owners were very satisfied.

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Commissioner Paul Wilson made a motion to approve Petition #454 to Amending County Zoning Ordinance on the identified property to be rezoned from AG to GC upon recommendation of the Planning Commission, subject to the Covenant that has been presented to the Board of Commissioner by the petitioner. Motion was seconded by Patricia Dillon.

President John Richwine asked for a roll call vote: 2 Ayes 1 Nay (Commissioner John Richwine voted no because he believes there should be one more accept ion made in the Covenant that would omit one permitted use) Mr. Donnelly made a comment stating the way to do this is to change the Ordinance because it is difficult excluding specific uses by covenant because it becomes the kind of contract zoning which Indiana State Law specifically allows. He recommends to the Board of Commissioners to amend the test of the Zoning Ordinance, stating it to be a special use not a permitted use.

IN THE MATTER OF CONGRESSIONAL ANNUAL SCHOOL REPORT

Madison County Auditor, Kathy Stoops Wright, submitted a copy of the Congressional Annual School Report to the Commissioners for their approval. This report has to be filed with the Department of Education and State Auditor's Office. Paul Wilson made the motion to sign and forward on to the State, seconded by Patricia Dillon. Motion carried unanimously.

IN THE MATTER OF INTENT TO APPLY FOR FUNDING FORM FOR PUBLIC TRANSIENT (TRAM)

County Attorney, Jim Wilson stated to the Commissioners that they need to approve the Intent to Apply for Funding For Public Transient on TRAM because of the 3% increase that has been already approved by the Commissioners. Motion to approve made by Patricia Dillon and seconded by Paul Wilson. Motion carried unanimously.

IN THE MATTER OF DRIVEWAY PERMITS

Commissioners approved the following Driveway Permits upon recommendation of County Engineer, Chuck Leser. Motion to approve made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

D06-69	CP Morgan	Summerlake L 828	Green
D06-70	CP Morgan	Summerlake L 830	Green
D06-74	CP Morgan	Summerlake L 762	Green
D06-75	CP Morgan	Summerlake L 783	Green
D06-76	CP Morgan	Summerlake L 814	Green
D06-77	CP Morgan	Summerlake L 833	Green

IN THE MATTER OF UTILITY PERMITS

Commissioners approved the following Utility Permits upon recommendation of County Engineer, Chuck Leser. Motion to approve made by Patricia Dillon and seconded by John Richwine. Motion carried unanimously.

U06-31	Duke Energy	400N 2700ft W of 700W	Jackson
U06-32	Ameritech	500N & 400W	Lafayette

IN THE MATTER OF BRIDGE INSPECTION RFP'S

Commissioner Wilson asked if the RFP's could be tabled until the next meeting. Bridge inspections start in October and County Engineer stated if the RFP's are approved at least two weeks before that would be sufficient.

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**IN THE MATTER OF KILLBUCK CONCERNED CITIZENS ASSOCIATION VS
BOARD OF ZONING APPEALS**

County Attorney, Jim Wilson, presented a letter to the Commissioners concerning their roll in either attempting or staying away from various issues before the Board of Zoning Appeal in this County concerning the Killbuck Landfill. It is a position that the Commissioners are well served to follow and that it substantiates the previous positions concerning the Landfill. He is asking the Commissioners to accept the following letter and make it a part of the minutes. Motion to approve made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

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There being no further business brought before the Board of Commissioner the meeting was adjourned upon motions made by Patricia Dillon and seconded by John Richwine. Motion carried unanimously.

BOARD OF COMMISSIONERS
