

MONDAY

NOVEMBER 29, 2004

MONDAY

401

The Board of DeKalb County Commissioners met in the Commissioners Court in the Court House in regular session, Monday at 8:30A.M. (EST)

PRESENT

William C. Ort

Connie R. Miles

Don Kaufman

ABSENT

MATTER OF SUNNY MEADOWS

The commissioners reviewed and signed reports for Sunny Meadows for the months of March through October. Former administrator Janel Snow had problems with the reports and the newly appointed administrator Kim Pierson was unaware that the reports had not been completed and that the subsequent reports were her responsibility.

MATTER OF AIRPORT – ZONING ORDINANCE 382

Zoning Administrator Sally Rowe reported a favorable recommendation from the plan commission for Petition 04-85 with regard to an airport, zoning ordinance. Airport director Russ Couchman stated that, in his experience this kind of ordinance has come too late in the planning to avoid problems. In this case the ordinance will be in place prior to other planning and building projects. A motion by Don Kaufman to approve Zoning Ordinance 382 on all three readings was seconded by Connie Miles and carried.

**ZONING ORDINANCE NO. 382 – DCC 36-8-1-382
DEKALB COUNTY BOARD OF COMMISSIONERS
RESIDENTIAL USES IN PROXIMITY TO AIRPORT ORDINANCE
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF DEKALB COUNTY, INDIANA.**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO REGULATE
THE TERMS FOR RESIDENTIAL USES WHEN LOCATED WITHIN PROXIMITY
OF THE DEKALB COUNTY AIRPORT.**

WHEREAS, the Board of County Commissioners believes it to be in the best interests of the residents of DeKalb County, Indiana, to regulate the terms for residential uses to be located within proximity of the DeKalb County Airport,

WHEREAS, purchasers or renters of dwelling units are not always aware of their proximity to an airport, the planned expansions of an airport, the noise associated with being in close proximity of an airport, the potential devaluation of property due to nuisances, or the areas most at risk of aircraft crashes in relationship to the end of the runway,

WHEREAS, in order to achieve the goals and objectives of the DeKalb County Comprehensive Plan, the Board of County Commissioners has deemed it necessary to protect the future expansions of the DeKalb County Airport and to discourage incompatible land uses within proximity to the airport,

WHEREAS, precedent has been witnessed at similar airports where encroachment of incompatible uses has severely limited the ability of airports to expand operations,

WHEREAS, Federal funding for upgrades to the DeKalb County Airport is partially contingent on the local municipality's ability to manage conflicting encroachment upon the airport,

NOW, THEREFORE, BE IT ORDAINED THAT, Ordinance No. 382 (Residential Uses in Proximity to Airport) be added to the DeKalb County Code to read as follows:

(A) Purpose and Intent: To require all new residential dwelling units constructed within the area defined in (C) below and constructed or established after the effective date of this ordinance to waive their rights to remonstrate against expansion of the DeKalb County Airport.

(B) Applicability: This ordinance shall apply to any new residential dwelling unit (single family or multiple family dwellings) within unincorporated DeKalb County.

(C) Restriction of Residential Uses on Undeveloped Lots: All undeveloped residential building sites within one and one-half statute mile of an existing runway centerline at the DeKalb County Airport or within one and one-half statute mile of a proposed runway centerline as shown on an FAA approved Airport Layout Plan for the DeKalb County Airport shall be regulated as follows:

1. Residential structures (single or multiple families) shall not be a permitted use, conditional use or special exception use; except as provided in section C (2).
2. A property owner shall be allowed a residential improvement location permit and building permit if willing to create a deed restriction that waives the right to remonstrate against expansion of the DeKalb County Airport in perpetuity. The wording of the deed restriction shall be developed by the DeKalb County Plan Commission in consultation with the DeKalb County Board of Aviation Commissioners and legal counsel and, at a minimum, shall clearly state that the DeKalb County Airport plans to add a crosswind runway and to expand the existing runway; all of which will result in larger aircraft and more aircraft utilizing the facility. This deed restriction shall be recorded with the property at the County Recorders Office and proof of recording shall be presented to the DeKalb County Plan Commission prior to issuance of an improvement location permit.
3. The deed restriction shall also become a covenant on the recorded plat of subdivisions partly or totally within the aforementioned one and one-half mile distance for any subdivision approved after the effective date of this ordinance.

(D) EFFECTIVE DATE: This Ordinance shall be in full force and effect after its Passage and approval by the Board of County Commissioners of DeKalb County, Indiana and publication as required by law.

(E) PLAN COMMISSION RECOMMENDATION: The DeKalb County Plan Commission on this 17th day of November, 2004, forwarded a favorable recommendation to the DeKalb County Commissioners for Ordinance No. 382.

Edward Kelham
Edward Kelham, Chairman
Joyce Shopp
Joyce Shopp, Secretary

Seal:

(F) BOARD OF COMMISSIONERS RESULTS:

November 29, 2004
Date of First Reading
November 29, 2004
Date of Second Reading
November 29, 2004
Date of Third Reading

PASSED AND ADOPTED by the Board of County Commissioners of DeKalb County, Indiana, on this 29th day of November, 2004.

**BOARD OF COUNTY COMMISSIONERS
DEKALB COUNTY, INDIANA**

William C. Ort

William C. Ort, President

Connie R. Miles

Connie R. Miles, Vice-President

Don Kaufman

Don Kaufman, Member

ATTEST:

Sharon G. Hayes

Sharon G Hayes, Auditor

MATTER OF AWOS – AUTOMATED WEATHER OBSERVATION SYSTEM

Airport manager Russ Couchman reported that the Automated Weather Observation System was to be commissioned last week. The weather advisory through this service is updated approximately every half-hour.

The ILS Instrument Landing System is not yet activated. The FAA has lost a part for one area and it is hoped the system will be commissioned in January.

MATTER OF COMMUNICATION TOWERS

Communications consultant Larry Wheeler and Paul Brewer of the county 911 department addressed the commissioners' questions concerning communication tower location within the county and more particularly upon county owned real estate. Mr. Wheeler stated that a lease for a tower should cover a period of at least 5 years and 20 years might be better. Many times sites are sold following the construction of the tower. A firm enforceable contract covering all possibilities is advised.

The state portion of the tower issue is with Hoosier Project Safe-T. Towers have been built in both Noble in Steuben Counties. The state has chosen Motorola and Johnson companies to select vendors acceptable to install the towers. The commissioners would like to better understand the process for licensing, and contracting for the towers. Commissioner Ort stated that the county needs someone to find answers to these questions, and whether Mr. Wheeler would be in a position to provide this service. Mr. Wheeler indicated that he would be available for the project. Attorney McCanna would like to have a proposal for independent contracting, scope of work and compensation from Mr. Wheeler. Mr. Wheeler will provide the proposal.

Paul Brewer presented a contract requesting reimbursement for expenses for maintenance for the mapping of the 911 system. A motion by Don Kaufman to approve the contract and authorize President Ort to sign was seconded by Connie Miles and carried.

Paul also requested new signatures on the grant request for \$34,000 for the new fingerprint service. The first page of the originally signed documents was incorrect. A motion by Connie Miles to sign the new cover sheets for the grant request documents was seconded by Don Kaufman and carried.

Paul reported on the October 22 meeting for 911 departments in Indianapolis, with State Treasurer Tim Berry. However there was very little new information covered.

MATTER OF SPECIAL CLAIMS

A motion by Connie Miles to approve special claims was seconded by Don Kaufman and carried.

404

MATTER OF SPECIAL CLAIM

A motion by Don Kaufman to approve Dan Fry's claim for a portion of his cellular phone was seconded by Connie Miles and carried.

MATTER OF OFFICIAL BONDS

A motion by Don Kaufman to approve the official bond in the amount of \$15,000, being reduced from \$99,000 for a special project for auditor Sharon Hayes and for \$15,000 for building inspector Carlos Whitaker seconded by Connie Miles and carried.

MATTER OF TREASURER'S REPORT

The commissioners reviewed the October treasurer's report.

MATTER OF HIGHWAY

Highway superintendent Eric Patton reported that traffic counts on County Road 35 and 68 were not high enough to warrant placing a 4-way stop sign at the intersection of the two roads. The one-week count for County Road 35 was 12,320, while the count for County Road 68 was 6,802. The great difference in the numbers does not indicate a safety issue or the need for a sign.

A motion by Connie Miles to approve all bids for highway materials following the two week advisory period was seconded by Don Kaufman and carried.

MATTER OF MINUTES

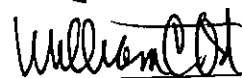
A motion by Don Kaufman to approve the minutes of September 27, October 4, 18, 25, and November 8 was seconded by Connie Miles and carried.

MATTER OF POSTAGE MACHINE

A motion by Connie Miles to order a new Hasler postage machine with payment to be made from the 2005 budget was seconded by Don Kaufman and carried. The machine will be available about three weeks after the order is placed, and will require one week to schedule the installation. Service with Pitney Bowes will be discontinued.

MATTER OF ADJOURNMENT

As there was no further business to come before the commissioners the meeting was adjourned.




William C. Ort



Connie R. Miles



Don Kaufman

ATTEST: 
Sharon G. Hayes