



Luann G. Welmer, City Clerk
CITY COUNCIL MEETING
CITY HALL
TUESDAY, JANUARY 21, 2025
6:00 O'CLOCK P.M.

I. Meeting Called to Order

- A. Invocation
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Old Business Requiring Council Action

- A. Second reading of an Ordinance entitled "ORDINANCE NO.____, 2025, AN ORDINANCE ANNEXING AND DECLARING CERTAIN TERRITORY TO BE A PART OF THE CITY OF COLUMBUS, INDIANA." (Mickel Properties Annexation) Jeff Bergman

III. New Business Requiring Council Action

- A. First reading of an Ordinance entitled "ORDINANCE NO.____, 2025, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO REPEAL AND REPLACE NOISE ORDINANCE CHAPTER 8.28." Eric Frey

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. The next meeting is scheduled for **Tuesday, February 4, 2025, 6:00 p.m.**
- C. Adjournment



MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: December 11, 2024

RE: Mickel Properties Annexation
(*Plan Commission Case #ANX-2024-009*)

At its November 13, 2024 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 8 in favor and 0 opposed. Mickel Properties requests the annexation of a single +/-17,000 square foot parcel. The property is located at 5075 Carr Hill Road and is the location of a home that has been under renovation. The applicant has indicated their desire to access city sewer service.

The following items of information are attached to this memo for your consideration:

1. The proposed ordinance approving the annexation,
2. The resolution certifying the action of the Plan Commission,
3. A copy of the staff report prepared for the Plan Commission, and
4. A location map.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2025

**AN ORDINANCE ANNEXING AND DECLARING CERTAIN TERRITORY
TO BE A PART OF THE CITY OF COLUMBUS, INDIANA**

**To be known as the Mickel Properties Annexation
Plan Commission Case No. ANX-2024-009**

WHEREAS, a petition has been filed by Mickel Properties, LLC for the annexation of the property described by Section 1 below; and

WHEREAS, the property subject to the request lies outside of, but is adequately contiguous to, the City of Columbus; and

WHEREAS, the Columbus Plan Commission has, on November 13, 2024, reviewed the request for annexation and forwarded a favorable recommendation to the Common Council; and

WHEREAS, the Common Council has paid reasonable regard to the requirements of the Indiana Code and the adopted annexation policies of the City of Columbus.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Property Annexed

The following described property, including a total of +/- 0.394 acres, is annexed to and declared to be part of the City of Columbus, Indiana:

A part of the Southeast Quarter of the Northwest Quarter of Section 33, Township 9 North, Range 5 East, and described as follows:

Beginning at the center of said section, thence West along the South line of said Northwest quarter, 330 feet to the center of Driftwood Valley Turnpike known as Abbott Road; thence in a Northeasterly direction along the center line of said road 325 feet for a place of beginning of the real estate herein described; thence in a Northerly direction along center line of said road 80 feet; thence in a Easterly direction at an angle of 90 degrees, a distance of 160 feet; thence Southwesterly parallel with the first described course 80 feet; thence in a Westerly direction 160 feet to the place of beginning, containing .394 of an acre, more or less.

The annexation area includes the parcel(s) numbered as follows: 03-95-33-000-001.200-004

SECTION 2: Common Council District

Upon the effective date of this ordinance, the property described by Section 1 shall be included in the 2nd Councilmanic District of the City of Columbus, Indiana. The property may, at some future time, be placed in a different Councilmanic District or Districts in accordance with redistricting completed in accordance with Indiana law.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This ordinance shall be effective after publication of its adoption as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____ 2025, at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk of the City of Columbus, Indiana

The Common Council's vote record sheet also documenting the presentation to and approval of this ordinance by the Mayor is attached to and made a part of this ordinance.

This document was prepared by Jeff Bergman. I, affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Prepared by the City of Columbus - Bartholomew County Planning Department
Jeffrey R. Bergman, AICP #014602 – Planning Director

RESOLUTION: ANX-2024-009

of the City of Columbus, Indiana Plan Commission

regarding

**Case number ANX-2024-009 (Mickel Properties),
a proposal to annex +/-0.39 acres to the City of Columbus**

WHEREAS, the Plan Commission has received the petition referenced above from Mickel Properties, LLC; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the annexation request, which meets the requirements of Indiana Code Section 36-4-3-5.1 for voluntary annexation; and

WHEREAS, the Plan Commission did, on November 13, 2024, review the annexation request; and

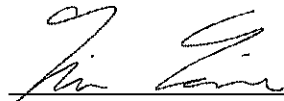
WHEREAS, the Plan Commission did pay reasonable regard to the requirements of the Indiana Code and the adopted annexation policies of the City of Columbus; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

The annexation of the property subject to the application (approximately 0.39 acres located at 5075 Carr Hill Road, on the east side of Carr Hill Court, south of its intersection with Carr Hill Road) is forwarded to the Common Council with a favorable recommendation.

**ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 13th DAY OF
NOVEMBER, 2024 BY A VOTE OF 8 IN FAVOR AND 0 OPPOSED.**



Michael Kinder, President

ATTEST:



Laura Garrett, Secretary



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (November 13, 2024 Meeting)

Docket No. / Project Title: ANX-2024-009 (Mickel Properties)
Staff: Noah Pappas
Applicant: Mickel Properties LLC
Property Size: 16,988.4 square feet
Current Zoning: AP (Agriculture: Preferred)
Location: 5075 Carr Hill Road, in Columbus Township.

Background Summary:

The applicant has indicated that the proposed annexation is for the purpose of accessing city sewers.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: None.

Preliminary Staff Recommendation:

Favorable recommendation to City Council.

Plan Commission Options:

In reviewing a request for annexation the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the request to the City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The City Council makes all final decisions regarding annexation applications.

Considerations / Decision Criteria (Annexation):

Indiana law requires that, to be eligible for annexation, the external boundary of the area must be at least 12.5% contiguous with the boundary of the City (the property involved in this annexation is 100% contiguous with the boundary of the City). In 1990 the City Council adopted the following policies for annexation:

1. Subdivisions which are contiguous to the City should be a part of the City.
2. Land contiguous to the City zoned for commercial or industrial purposes should be annexed to the City before it is developed.
3. Land contiguous to the City used for commercial or industrial purposes should be a part of the City.
4. Undeveloped land required to complement the annexation of developed land and which helps provided the ability to manage growth should be a part of the City.
5. Neighborhoods which are socially, culturally, and economically tied to the City should be a part of the City.
6. The pattern of City boundaries should promote efficient provision of services by the City, the County, and other agencies.

7. Contiguous lands needed for orderly growth and implementation of the City's Comprehensive Plan should be a part of the City.
8. Contiguous lands which are likely to be developed in the relatively near future should be a part of the City.
9. Contiguous lands having the potential for health or safety problems or environmental degradation should be a part of the City and provided with City services.
10. Contiguous properties which, if annexed, would serve to equalize the tax burden for City residents should be a part of the City.

Current Property Information:	
Existing Land Use:	Single Family Residential
Existing Site Features:	None
Flood Hazards:	None
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	None
Vehicle Access:	Carr Hill Court (Local, Residential, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS3 (Residential: Single-Family 3) RS2 (Residential: Single-Family 2)	Field Single-Family Residential (Oak Ridge Subdivision)
South:	RS3 (Residential: Single-Family 3)	Field
East:	RS3 (Residential: Single-Family 3) RM (Residential: Multi-Family) AP (Agriculture: Preferred)	Woods Field
West:	RS3 (Residential: Single-Family 3) RS2 (Residential: Single-Family 2) RT (Residential: Two-Family)	Field Single-Family Residential (Oak Ridge Subdivision)

Interdepartmental Review:

City Engineering:	No response.
City Utilities:	Water service is available. An approximately 250-foot sewer main extension is required for the 5075 Carr Hill Road address at an estimated cost of \$60,000-\$70,000. This is a homeowner cost.
Parks Department:	No response.
Police Department:	CPD would be able to provide police protection without any increase in resources.
Fire Department:	No issues with this proposed annexation. Providing fire protection to this parcel will not present any additional costs to fire department operations.
Public Works Department:	No response.
Animal Care Services:	No response.
Human Rights Department:	No response.
City Administration:	No response.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Residential.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **Goal A-2:** Preserve and enhance the character of the community.
2. **POLICY A-2-6:** The City Council should consider annexation proposals on a case-by-case basis within the laws of the State of Indiana and the City's adopted annexation policies.
Annexation increases taxes and increases the pressure for development. Because of requirements of Indiana law, it is sometimes necessary for the city to annex farmland in order to provide for orderly growth, but the city's annexation policies should discourage annexation of farmland except when necessary.
3. **POLICY A-2-13:** Encourage growth to take place at a rate that enables the city to maintain the high quality of public services.
Growth that is too rapid would outpace the city's ability to provide services such as police, fire, and trash pick-up, and it would strain facilities such as schools and parks.
4. **POLICY B-1-3:** Discourage new development utilizing private wells and septic systems or other privately owned and operated sewage treatment systems.
Septic system failures are common throughout the community. In general, the useful life of a septic system is 15 years, much shorter than the life of a building. Failing systems pollute ground and surface waters and present health hazards.

This property is located in the Western Hills character area. The following Planning Principle(s) apply to this application:

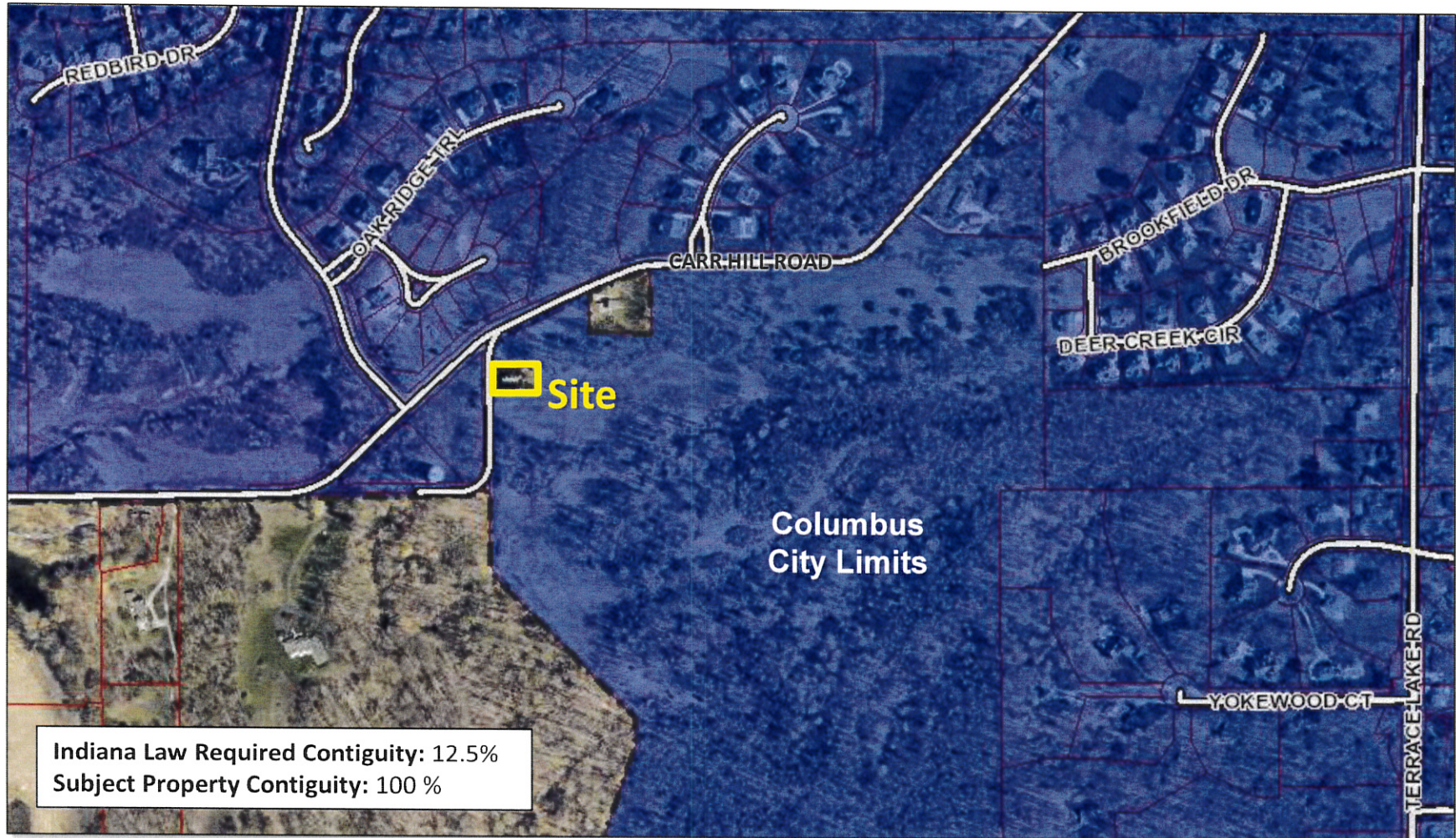
1. Prohibit further non-farm development using septic systems.
2. Encourage a better mix of housing prices.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The 16,988.4 square foot property is located on the east side of Carr Hill Court, and south of the Carr Hill Road & Carr Hill Court intersection. It is south of the Oak Ridge subdivision. The property is 100% contiguous with city limits.
2. The property is currently zoned AP (Agriculture: Preferred) and the current use is residential.

Location (Case #ANX-2024-009: Mickel Properties Annexation)



ORDINANCE NO. _____

CITY OF COLUMBUS, INDIANA

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS,
INDIANA, TO REPEAL AND REPLACE NOISE ORDINANCE
CHAPTER 8.28**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, certain levels of noise are detrimental to the health and welfare of the citizenry and it should be the policy of the city to prohibit such unnecessary, excessive and offensive noise from all sources within the jurisdiction of the City of Columbus; and

WHEREAS, it is the desire of the Common Council to update and modernize the noise regulations; and

WHEREAS, changes in the needs and the development of the community have made it necessary to amend said Ordinance to provide for effective noise control.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, that:

SECTION I. The Columbus Municipal Code, Section 8.28, et seq., is hereby repealed and replaced as follows:

8.28.010 Purpose.

It is found and declared that:

A. The making and creation of loud, unnecessary, unusual, or raucous noises within the City is a condition that has existed for some time, and the extent and volume of such noises are increasing.

B. The necessity in the public interest for the provisions and prohibitions of this Chapter is declared as a matter of legislative determination and public policy, and it is further declared that such provisions are in pursuance of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the City and its inhabitants.

8.28.020 Definitions.

Unless defined otherwise herein, the words used in this Chapter shall be construed according to their plain meaning in the English language. For the purpose of this Chapter, the following words and phrases shall have the following meanings:

"Animal" means any live non-human vertebrate creature, domestic or wild, as defined in Section 6.04.10 and as amended from time to time of the Columbus Municipal Code.

"Authorized Emergency Vehicle" means fire department vehicles, police department vehicles, ambulances, emergency vehicles operated by or for hospitals or health and hospital corporations under IC 16-22-8, and as amended from time to time, vehicles designated as emergency vehicles by the Indiana department of transportation under IC 9-21-20-1, and as amended from time to time, and vehicles of the department of correction responding to an emergency.

"Construction" means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding repair, demolition, for or of public or private rights-of-way, structures, utilities, or similar property.

"Demolition" means any dismantling, intentional destruction, or removal of structures, utilities, or public or private rights-of-way surfaces.

"Disorderly Conduct" means a person who recklessly, knowingly, or intentionally makes unreasonable noise and continues to do so after being asked to stop as defined in IC 35-45-1-3(a)(2) and as amended from time to time.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

"Maintenance" means any act to keep property or equipment in good condition, including but not limited to, the act of making repairs or correcting problems.

"Musical Instrument" means any object or device for producing musical sounds, including but not limited to percussion, wind, stringed, and electronic instruments.

"Noise" means any sound which annoys or disturbs persons of normal sensitivities.

"Production" means the action of making or manufacturing components or raw materials, whether for commercial or industrial purposes.

"Public Nuisance" means any person found in violation of this Chapter of more than three offenses during any 12-month period.

"Repairs" means any act to restore to former condition or to it's original operational soundness.

"Unreasonable Noise" means any sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the City.

“Vehicle” means a thing used for transporting people or goods, especially on land, such as a car, truck, or cart.

8.28.030 Loud, Unnecessary, and Unreasonable Noise Prohibited.

It is unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, unusual, or raucous noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the City.

8.28.040 Specific Noises Prohibited.

A person who recklessly, knowingly, or intentionally makes unreasonable noise and continues to do so after being asked to stop by a police or code enforcement officer is in violation of disorderly conduct as defined in IC 35-45-1-3(a)(2) and as amended from time to time. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this Chapter, but such enumeration shall not be deemed to be exclusive.

A. Animals. The keeping of any animal which by causing frequent or long continued noise disturbs the comfort or repose of any persons in the vicinity.

B. Combustion Engines. The operation of any internal combustion engine, by which its use creates loud, unnecessary, and unreasonable noise. Vehicles must be equipped with a muffler or other noise-dissipative device that qualifies under IC 9-19-8-3 and as amended from time to time.

C. Construction, Demolition, Maintenance, Production, or Repairs.

Unless as otherwise authorized by the City or due to an emergency, the noise produced by construction, erection (including excavating), demolition, alteration, maintenance, production, or repair, which creates loud, unnecessary, and unreasonable noise, shall be in violation of this section unless at the times as designated below:

- (1) Weekday (Monday - Friday): 7:00 AM – 8:00 PM; or
- (2) Weekends (Saturday - Sunday): 8:00 AM – 8:00 PM.

D. Defect in Vehicles or Load and Use of Vehicles. The use of any vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise; the creation of grating, screeching, grinding, squeaking, loud reports or shots, or other noises in the use of vehicles or accessories attached thereto. Vehicles must be equipped with a muffler or other noise-dissipative device that qualifies under IC 9-19-8-3 and as amended from time to time.

E. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonable noise; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

F. Loading and Unloading Boxes. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, or dumpsters, excepting noise created by authorized City vehicles for the collection and disposal of waste, refuse, junk, scrap or other similar material items.

G. Loudspeakers and Amplifiers. The using, operating, or permitting to be played, used or operated of any radio receiving set, Musical Instrument, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound that is cast upon the public streets, except as authorized by the City.

H. Musical Instruments or Devices. The use of any musical instrument or device for the purpose or creation of noise other than as authorized by the City, or performance for extracurricular academic competitions, practices, or events.

I. Yelling, Shouting, Whistling, or Singing or Similar Activity on the Public Streets. The creation of loud and excessive noise in connection with yelling, shouting, whistling, or singing, between the hours of 11:00 PM to 7:00 AM or at any time or place so as to annoy or disturb the quiet, comfort, or repose of others, within the limits of the City.

8.28.050 Complaints and Violations--Penalties.

A. Whenever a violation of this Chapter occurs or is alleged to have occurred, any person may file a written, oral, or telephone complaint. Such complaint stating the causes and basis thereof may be filed with the police department or code enforcement office. The police department or code enforcement office shall investigate such complaint as soon as reasonably practical. If the facts elicited by such investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the City, through its legally authorized enforcement authority, may issue a citation, notice, or other similar writ against such person as provided by this Chapter and in accordance with the law.

B. Any person who violates any section of this Chapter or fails to comply with any of its requirements when asked by the police department or code enforcement office to cease such activity shall be in violation of this Chapter, punishable by a fine of not more than:

- (1) First offense: \$100;
- (2) Second offense: \$500; or
- (3) Third offense: \$1,000.

C. Any person found violating this Chapter of more than three offenses during any 12-month period shall be declared a public nuisance, and the matter may be referred to the City Attorney's office. Along with the fines described in this section, the City shall be authorized to impose additional penalties pursuant to Code Section 1.12.010 to enforce compliance under this section.

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the City Council.

ATTEST:

I hereby certify that the foregoing within and attached Ordinance was duly passed by the Common Council of the City of Columbus, Indiana, at a meeting thereof held on the ____ day of _____ 2025, by the following vote:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Chris Bartels (District 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elaine Hilber (District 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerone Wood (District 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Miller (District 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Anderson (District 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jay Foyst (District 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Josh Burnett (Councilor at Large)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Dell (Councilor at Large)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grace Kestler (Councilor at Large)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL				

Presiding Officer

The foregoing within and attached Ordinance passed by the Common Council of the City of Columbus, Indiana, on the ____ day of _____ 2025, is presented by me this ____ day of _____ 2025, at _____ o'clock _____.M, to the Mayor of the City of Columbus, Indiana.

Luann Welmer
Clerk of the Common Council

The foregoing within and attached Ordinance passed by the Common Council of the City of Columbus, Indiana, on the ____ day of _____ 2025, is approved by me this ____ day of _____ 2025, at _____ o'clock _____.M.

Mary K. Ferdon, Mayor
City of Columbus