

HOWARD COUNTY BOARD OF COMMISSIONER SPECIAL CALLED MEETING
AUGUST 14, 2006

The Howard County Board of Commissioners met in a Special Called Session on Monday, August 14, 2006, 7:00 p.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Bradley J. Bagwell and Vice President Paul J. Raver. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The Special Meeting was called to continue the Public Hearing that was recessed on Monday, June 19, 2006 (*please refer to page four, Public Hearing of the Regular Meeting minutes dated June 19, 2006 and page six, item two of the Regular Meeting Minutes dated August 7, 2006*).

***The Public Hearing for the Department of Health's
On-Site Sewage Ordinance was re- opened at this time.***

Commissioner President Bagwell opened the Public Hearing and the Department of Health was represented by James Vest and he took the floor to explain the current revisions of the On-Site Sewage Ordinance.

1. **Revision One:** Line 40-42 addresses the definition of Bedroom as ***"... a room within a dwelling that might reasonably and regularly be used as a sleeping room or which contains a closet or shares a common hallway with or adjoins a bathroom"***. The previous definition, as follows was stricken from the Ordinance: "Bedroom may include but is not limited to those rooms designated as dens, studios, offices, or libraries. If such rooms otherwise meet the above definition..."

The floor was opened for Public Comment on this revision.

Comments were made by Mr. Lloyd Land, Mr. Rolland McKibben, Mr. Jeff Hodges, and Board of Health Member, Dr. Chuck Hiss, concerning the definition of "bedroom" and whether the definition should match the Federal Building Code definition, requiring an egress window. Participants were reminded that the State Code does not define "Bedroom".

Mr. Vest informed them that this definition is for Septic System purposes only, to aid in the preparation of applications. The Department of Health does not make inspections to the building site and does not operate under any other organizations' definitions.

2. **Revision Two:** Line 303, Section 8A, originally written as, "Howard County Health Department shall be permitted to enter upon all properties at reasonable times to insure compliance with this Ordinance and to inspect facilities, equipment or records; investigate allegations, determine soil characteristics, conduct tests and collect samples." This is changed to, ***"The Health Officer or the officer's designee may enter upon and inspect private property, at proper times after due notice, in regard to the possible presence, source and cause of disease."*** The language is taken directly from Indiana Code 16-20-1-23, Section 23A.

Commissioner Bagwell would like to see language included that specifies possible presence, source and cause of disease as related to the On-Site Sewage Ordinance, as opposed to "any cause".

3. **Revision Three:** Line 178, Section 4C, the addition of the following: ***"The subsurface drain tile shall be at least six (6) inches in diameter."***
4. **Revision Four:** Lines 204 and 205, Section 5 as follows: ***"An OSS permit shall expire upon compliance of the OSS installation, or within three (3) years of the issue date, whichever comes first."*** The former draft stated two (2) years.
5. **Revision Five:** The 1993 Septic Ordinance did not address the issues of outlet filters and filter alarms. Line 153, Section 4B, includes, ***"All septic tanks installed in Howard County must contain outlet filters and filter alarms."***

The floor was opened for Public Comment on these revisions.

Dick Blazer: He has difficulty with lines 162-163, "The filter alarm must be recommended by the filter manufacturer for each type of outlet filter." There is only one company that makes the filter alarms. Other manufacturers will not recommend high water alarms.

Rolland McKibben: Does not believe alarms are necessary.

Commissioner Bagwell: "Can we require an alarm without saying it needs to be recommended by the filter manufacturer?"

Jeff Hodges: Wants clarification of whether it's requiring the filter alarm or recommending the filter alarm. Also, is this a State requirement?

Mr. Vest responded that the filter alarm is **required** under this proposed Ordinance, even though the State **does not** require a filter alarm. The Board of Health believes this requirement will extend the life of the Septic System. Dr. Hiss, from the Board of Health, also spoke to the importance of installing an alarm.

Gary McKibben: The Board of Health, in preparing the Ordinance, made decisions and recommendations in anticipation of the new State Code. The new State Code has not yet been signed by Governor Daniels because there are too many problems with it.

Dick Blazer: Line 112, Section 4A, 3(c). Mr. Blazer cannot find a plat plan that includes utility services. Would like this to be moved to paragraph (4), "An OSS plan that includes but not limited to:".

Questions and comments were given concerning lines 168 - 174, Section 4C. County Attorney Larry Murrell pointed out that lines 173-174 clarify the intent of the Ordinance; ***"Other means that are found to lower the water table at least twenty-four (24) inches below trench bottom are also acceptable."***

Questions and comments were given concerning the concept of "grandfathering" previously approved subdivisions so they do not have to abide by the new Ordinance. Mr. Vest commented that there is no "grandfathering" clause in the State Code. The Local Ordinance can add to the State Code, but they cannot take away from the Code.

Further discussion ensued concerning Regional Sewer Districts, the Septic Permit Process, renewal versus re-application of permits, State licensed professionals, education of contractors and homeowners, and the enforcement of the Ordinance. Also discussed is: {1}line 147, Section 4A(7), the requirement of a detailed cross section of the OSS soil absorption field, to scale, and {2} lines 225 - 227, Section 5G7, a scheduled inspection in lieu of the two day inspection requirement. These concerns will be taken into consideration.

It is the consensus of the Board of Commissioners to close the Public Hearing and to take the On-Site Septic Ordinance under advisement. President Bagwell expressed appreciation to all Boards and organizations involved and to all who have attended and given their input. Commissioner Raver also expressed appreciation to the Board of Health for the time they have put into this process. A motion was made by Mr. Raver to adjourn the meeting. Mr. Bagwell vacated the chair to second the motion and it carried. The meeting was adjourned at 9:10 p.m.

HOWARD COUNTY BOARD OF COMMISSIONERS:

BRADLEY J. BAGWELL, PRESIDENT

PAUL J. RAVER, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Commissioner Meeting Minutes August 14, 2006

