

THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, OCTOBER 16, 2023 AT 6:30 P.M.

MEMBERS PRESENT WERE BRYAN COLLIER, DON ADAMS, AND KENNY HALE. LINDA PRUITT, COUNTY AUDITOR; DEB VERLEY, EXECUTIVE ASSISTANT; JOSH MESSMER, COUNTY ADMINISTRATOR AND JIM WISCO, COUNTY ATTORNEY WERE ALSO PRESENT.

PLEDGE

PRAYER – *Kenny Hale*

MINUTES – 10/2/23

Don Adams made a motion to approve the minutes of the October 2, 2023 meeting. Motion seconded by Kenny Hale. Motion carried 3-0.

RESOLUTION APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION – and- RESOLUTION APPROVING AN ORDER OF THE PLAN COMMISSION

Josh Messmer, on behalf of the Morgan County Redevelopment Commission, stated that there are two resolutions for approval. There are two main economic development areas, Westpoint EDA and White River Valley EDA. They are being expanded and modified for development, speculation and restructuring to remove the pledge to pay Morgan County tax dollars for Hendricks County sewer infrastructure. At its September meeting, RDC approved the declaratory resolution for the two amendments for the two EDAs. The next step was to go to the Plan Commission, where it received unanimous approval. If the Board of Commissioners approves the two resolutions, the next step is that it goes back to the RDC for a public hearing and a confirmatory resolution. Resolution 2023-2 is the RDC approval to terminate the allocation area and the pledge. There is also a document from Hendricks County to consent to terminating the pledge. Resolution 2023-3 is the approval from RDC to amend the EDA. Don Adams made a motion to approve both Resolution #2023-10-16-A, A Resolution of the Board of Commissioners of the County of Morgan, Indiana, Approving Amendments to the Declaratory Resolution and Economic Development Plan for the White River Valley Enhancement Economic Development Area and Resolution #2023-10-16-B, A Resolution of the Morgan County Board of Commissioners Approving an Order of the Morgan County Plan Commission. Motion seconded by Kenny Hale. Motion carried 3-0.

RESOLUTION ADOPTING MULTI-HAZARD MITIGATION PLAN

Abby Worth, Morgan County EMA, stated that a few years ago EMA was awarded a grant to write a Multi-Hazard Mitigation Plan in partnership with county stakeholders and the Polis Center. The plan was completed at the start of 2023 and adopted by the City of Martinsville. At the time, only one jurisdiction in the county needed to adopt the plan in order to meet FEMA requirements. However, FEMA has updated their requirements and every jurisdiction within the county must adopt the plan in order to be eligible for grant funding. Any jurisdiction that does not adopt the plan is not eligible for FEMA grants. Kenny Hale made a motion to approve Resolution #2023-10-16-C, Resolution of the County of Morgan to Adopt the Morgan County Multi-Hazard Mitigation Plan. Motion seconded by Don Adams. Motion carried 3-0.

EMA – EMPG GRANT APPLICATION

Abby Worth requested approval of a \$44,827.62 EMPG Grant through the Indiana Department of Homeland Security for salary reimbursement. Ms. Worth stated that this is for 2023 salaries for EMA staff. Kenny Hale made a motion to approve the 2023 IDHS EMPG Salary Reimbursement Grant. Motion seconded by Don Adams. Motion carried 3-0.

REZONE REQUEST – *Ag to B1*

Laura Parker, Morgan County Plan Commission Director, stated that this request is for property owned by ZSW Property Group on State Road 67 and State Road 39 Bypass. There is not an address on the property. In order for the property owner to reactivate a billboard on the property, it must have commercial zoning. This request was presented to the Plan Commission last week and was given a favorable recommendation with a unanimous vote. Kenny Hale made a motion to approve the rezone request from Ag to B1. Motion seconded by Don Adams. Motion carried 3-0

PAVING PROJECT

Justin Schneck, Morgan County Highway Department Engineer, stated that the Highway Department is proposing to advertise a project for bid for roadway resurfacing. The project will resurface approximately two and a half miles on eight local roads. The anticipated schedule would be to open bids on November 6th. The project could start this year and would need to be

completed by May 31, 2024. Kenny Hale made a motion to approve the Notice to Bidders for Fall 2023/Spring 2024 Roadway Resurfacing. Motion seconded by Don Adams. Motion carried 3-0.

ORDINANCE MAKING TECHNICAL CORRECTIONS – *Tourism Bureau*

Jim Wisco stated that the Morgan County Convention, Visitors and Tourism Bureau, in various places online and in print is referred to as “Bureau”, “Board”, “Commission”, “Council”, etc. This ordinance cleans it up that according to Indiana Code, it should be referred to as “Bureau”. Kenny Hale made a motion to approve Ordinance #2023-23 An Ordinance Making Technical Corrections to 33.09 of the Morgan County Code of Ordinances and to waive a second reading. Motion seconded by Don Adams. Motion carried 3-0.

DISSOLUTION OF CUMULATIVE BRIDGE FUND

Josh Messmer stated that they went through the budget process with the intent of doing away with the Cumulative Bridge Fund and funding bridges in different ways. The Cumulative Capital Rate has been reestablished. The DLGF requires that the vote be reflected in the minutes. Don Adams made a motion to dissolve the Cumulative Bridge Fund. Motion seconded by Kenny Hale. Motion carried 3-0.

TIME OFF WITHOUT PAY/DONATION

Daree Fry, Morgan County HR Director, stated that she had two time off requests; one is for the Maintenance Department for an employee that might or might not require time off due to a health condition. The employee will earn more time next month. The second request is for 911 Dispatch for a family member’s illness. Forty-eight hours are needed and the employees have offered to donate time. Don Adams made a motion to approve both requests. Motion seconded by Kenny Hale. Motion carried 3-0.

RECYCLING

Erick Kivett, Morgan County Recycling Director, stated that Morgan County ended the co-mingled single stream recycling program on September 29th. Since then, he has had over 130 voicemails. Mr. Kivett handed out pictures of the former sites as of this morning. Although there are no bins, the sites are still being used as a dumping ground. Mr. Kivett stated that Best Way has offered a competitive quote on a one-year contract for the Morgantown site. This would be for two bins being emptied two times a week. Mr. Kivett thought that this would be a good compromise while working on a more permanent solution. Bryan Collier noted that the county does not receive payment for any of the recycling collected; a lot of it was thrown in the trash because of cross contamination. Many people don’t read the signs on the bins that explain the specifications that are required in order for the item to be recycled. Mr. Collier stated that most counties have one or two locations and they have someone on site to monitor what is being brought in. The Board is trying to address the issue. If they go to a centralized location, it would need to be secure with safeguards so it can’t be abused as it has been in the past. Mr. Collier stated that this carrier did not increase the rates as the other carrier did, but they would only service the Morgantown site. Don Adams stated that they are not out of the woods yet. Part of the solution is volunteers and the future of the program will depend on a site that can be monitored. Mr. Kivett stated that funds are available in the budget for this contract. Don Adams made a motion to proceed with the recycling program at Morgantown and approve the one-year agreement with Best Way. Kenny Hale stated that he could see it growing would rather see it done right than just thrown in the trash. Kenny Hale seconded the motion. Motion carried 3-0.

Mr. Kivett stated that the fence at the jail recycling center will come down soon.

PUBLIC COMMENT – *Lake Edgewood*

Kelly Stege, Lake Edgewood Conservancy District Chairman, and Steve Smith, Board Member, were present to inform the Board of Commissioners of their concerns regarding short term rentals in Lake Edgewood. Ms. Stege stated that they have talked to legal counsel and are focusing on Indiana Code for short term rentals; IC 36-1-24-10(4), which seems to indicate that there is the ability to limit short term rentals located within the boundaries of a conservancy district. Section 10 specifies that a unit may enact or enforce a law regarding short term rentals. Their legal counsel has indicated that the Conservancy District is not the “unit” and it would be the Commissioners. They feel it is important to limit short term rentals in their neighborhood because of the potential loss of property values, safety concerns, waterway protection, parking/additional traffic, sanitation and peace and enjoyment of their properties in the close-knit community. They recently took an informal poll and 88% were in favor of limiting short term rentals. One person was for it; 11% were neutral. Mr. Smith stated that in early August, he sent the following information to Mr. Messmer: there are 150 freeholders with lots both on and off the waterfront. The Conservancy District provides for safe and accessible beach and watersport activities for the freeholders and non-residents do not have any access to the lake for any purpose. Lake Edgewood started a Conservancy District after the 2007 flood in order to mitigate DNR concerns about

downstream safety for other Morgan County residents. They financed, built and still maintain a spillway and dam. They maintain a beach, clubhouse, access road repairs and enforce insured licensed watercraft usage. The Indiana Code states that a local unit of government may limit or prohibit short term rentals located within the boundaries of a conservancy district. Joyce Gilly, a Lake Edgewood resident, stated that it is an amazing community and they watch out for each other. They worry about the safety of the community and the safety of the lake having an Airbnb on the water.

Bryan Collier stated that he understands the comments; Lake Edgewood is a gem. He wondered how the Commissioners would enforce a restriction on short term rentals and asked if there was an HOA that could better regulate it. Ms. Stege stated that when they started the conservancy district, they dissolved the HOA. Mr. Smith stated that they weren't looking to the Board so much for enforcement; but for restriction of short term rentals. Only the owner of the boat can register and get a sticker to be on the water; the guests would not be allowed on the water. Kenny Hale asked why they dissolved the HOA. Mr. Smith stated that the general sentiment at the time (shortly after the 2007 flood) was less government regulation. Don Adams stated that there are conservancy districts that also have HOAs and encouraged them to reestablish the HOA. Mr. Hale stated that the county would not be able to enforce such an ordinance; they would not know if the owner was staying at the property. The neighbors would know who is at the property. Jim Wisco stated that he could look into it further to see if they could reestablish an HOA or if there were alternatives and agreed that it would be hard to enforce. Mr. Smith stated that the HOA rules would be recorded and would apply to all homes in the subdivision. Sheriff Myers stated that enforcement would be a civil case.

FOR THE GOOD OF THE COUNTY

Don Adams stated that a lot of people participated in the Fall Foliage Festival and had a lot of fun.

Bryan Collier thanked the Lake Edgewood residents for attending and was glad they could get together and talk it out; that excites him in today's society.

ADJOURNMENT

Kenny Hale made a motion to adjourn the meeting. Motion seconded by Don Adams. Motion carried 3-0.

Morgan County Board of Commissioners

Bryan Collier

Don Adams

Attest:

Linda Pruitt, Morgan Co. Auditor

Kenny Hale