

THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON TUESDAY, FEBRUARY 18, 2025 AT 6:30 P.M.

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

PLEDGE

PRAYER – (*Kenny Hale*)

MINUTES

Don Adams made a motion to approve the February 3, 2025 minutes. Motion seconded by Kenny Hale. Motion carried 3-0.

CLERK'S REPORT

Kenny Hale acknowledged receipt of the Clerk's Report for January.

BID UPDATE/AWARD – 2024-2 CCMG Paving

Justin Schneck, Morgan County Highway Department Engineer, stated that they reviewed the bids received at the previous meeting. Milestone was the apparent low bidder at \$1,392,787.50. After correcting math errors on the original Wallace Construction bid of \$1,394,569.56; the bid was corrected to \$1,377,968.85. Mr. Schneck recommended that the bid be awarded to Wallace Construction. Bryan Collier made a motion to approve awarding the bid to the lowest bidder. Motion seconded by Don Adams. Motion carried 3-0.

BID UPDATE/AWARD – Bridge #99

Mr. Schneck stated that there were three bids opened at the previous meeting for Bridge #99 on Herbemont Road as follows: Force Construction \$636,210.00; HIS Constructors \$606,372.32; and Pontem Contractors \$595,000.00. Pontem was the lowest responsible and responsive bidder and Mr. Schneck requested they be awarded the bid. Don Adams made a motion to award the bid to Pontem. Motion seconded by Bryan Collier. Motion carried 3-0.

BID UPDATE/AWARD – Multi Bridge Rehab Project

Mr. Schneck stated that there were two bids read at the previous meeting for the multi bridge project as follows: All Star Paving \$789,199.25 and Baumgartner Asphalt \$695,091.65. Mr. Schneck noted that he read the wrong number for Baumgartner. He read the Group 1 tab (bridges submitted with original CCMG project) and should have read the Group 2 tab that included the paving for Fire Station Road bridge. The correct bid amount is \$748,491.00. Baumgartner is still the lowest bidder and Mr. Schneck requested approval to award the bid. Bryan Collier made a motion to approve awarding the bid to Baumgartner & Company. Motion seconded by Don Adams. Motion carried 3-0.

HSIP LPA CONTRACT

Mr. Schneck stated that the county was awarded approximately \$700,000 for safety funding from INDOT. The projects are awarded at a 90/10 split. The agreement is with VS Engineering and bundles five different projects together at four locations: a curve on Robb Hill Road, the intersection of Mann and Landersdale Road, Baltimore and Tutterow Road and Greencastle and Gasburg Road. There will be safety improvements at all locations. The submissions were scored by committee and VS Engineering was selected for \$105,000. Mr. Schneck stated that these are the top four location in the county according to crash data from Indiana LTAP (Local Technical Assistance Program). Don Adams made a motion to approve the contract with VS Engineering. Motion seconded by Kenny Hale. Motion carried 3-0.

GRANT APPLICATION - EMA

Abby Worth, Morgan County EMA Director, requested approval for a \$29,000 BRIC MHMP grant through IDHS (Indiana Department of Homeland Security) that will allow EMA to obtain assistance in updating the Morgan County Multi Hazard Mitigation Plan. The MHMP operates on a five-year life cycle and is due for updates in 2025. Ms. Worth stated that they would submit the grant application along with a letter of intent. This is a 75/25 grant. The 25% would be made through in-kind donations. Kenny Hale noted that this plan must be in place in order to be eligible for federal grants. Bryan Collier made a motion to approve the grant application. Motion seconded by Don Adams. Motion carried 3-0.

APPOINTMENT – Harrison Twp Fire District Board

Kenny Hale stated that Chuck Christofferson resigned from the Harrison Township Fire District

Board. Richard Huffman has expressed interest in serving on the board. Don Adams made a motion to appoint Mr. Huffman to the vacated position. Motion seconded by Kenny Hale. Motion carried 3-0.

TORT CLAIM

Bryan Collier made a motion to submit the Evergreen Properties & Self Storage tort claim to the insurance company. Motion seconded by Kenny Hale. Motion carried 3-0.

REQUEST FOR ADDITIONAL TIME OFF

Daree Fry, Morgan County HR Director, stated that there is an employee who is out of time and has a parent that has been put on hospice in another state. They are asking for unpaid time off. Another employee in a different department has offered to donate time to the employee. Anne Cowgur stated that she understood the sympathy that the Board has always shown; however, there is no authorization for donating time in the law and she has concerns that this practice could come back to haunt the person who receives the donation. Because of this, she recommends that the Board not continue this practice. Ms. Cowgur stated that she just advises on the law, she does not make policy. Bryan Collier stated that upon legal advice, he would make a motion to deny the donation of PTO and leave it up to the department head as to whether they wanted to allow unpaid time off in order to hold the position. Motion seconded by Kenny Hale. Motion carried 3-0.

ORDINANCE 2025-1 – UDO Data Center

Kenny Hale stated that this ordinance concerns a rezone request. Laura Parker, Morgan County Plan Commission Director, stated that this is a PUD district (Planned Unit Development). The request was heard by the Plan Commission on February 10 and received a favorable recommendation of 7-1. Ms. Parker had submitted staff reports and other handouts previous to the meeting.

Joe Calderon, Barnes & Thornburg, representing the applicant, stated that the primary purpose for the property will be a data center, which is not adequately defined in the UDO (Unified Development Ordinance). They are within the light industrial standards and included two additional uses; research and development and light manufacturing. There are some single family homes in the area and the owners have chosen to stay post development. They have included those homes are being allowed as a permitted use within the PUD, but no new ones. PUD often times mixes uses and that's what they have done here. They are able to tailor the proposed standards in comparison to the ordinance. They will exceed the set-back and buffering standards; public right of way frontage is tripled (150 feet) and there will be a landscape berm. Following the public hearing last week, they have included a noise standard with a maximum of 65 decibels after operations. They will do a noise study after a building comes online and is operational. Bryan Collier stated that according to a study from Harvard, 60 to 70 decibels is a normal conversation. Mr. Collier noted that one of the concerns raised by the public regarded foreign companies; this is a Fortune 50 American-owned company.

The following people spoke in opposition to the data center: Janice Weddle, SR 42; Brian Willett, Keller Hill Drive; Randall McKee, Willow Run Court; Sean Walker, Antioch Rd; Michele Jones, Hinshaw Road; Matt O'Neal, Peaceful View Drive; Carl Gilbert, SR 42; Heather Kistler, Antioch Road; Loren Moore, representing the Town of Monrovia and the residents; Stephanie Parks, Ashton Lane; John Louie, Gasburg Road; Lindsay Robinson, Main Street (Monrovia); Wade Catt, SR 39.

Joe Calderon stated that a number of the issues that were raised by the people speaking in opposition will be fully vetted throughout the permitting process, including drainage, stormwater runoff, and stormwater quality. They meet the standards for lighting as set forth in the UDO. The intent is to draft an ordinance that provides more protection for the neighbors than the UDO provides. They should not be able to see the project from their homes. The five to eight years of construction is a guess. It normally takes a year or less to open the first building. Technology and needs change and it depends upon the power source and water source. If those are available on day one, it will move quicker; if not, it may take longer. They are willing to work with the county to make sure they mitigate any concerns about construction noise and traffic. Many concerns will be taken care of through the normal permitting process and controls that the county has in place. This is not a bitcoin mining or merchant data center.

Anne Cowgur stated that this ordinance was presented to the Board of Commissioners after going through a full Plan Commission review including a public hearing. The proposal received a recommendation to adopt from the Plan Commission. In making a determination of whether to pass the ordinance or not, the Board is required to assess the following items:

The comprehensive plan
Current conditions and the character of current structures and uses in each district

The most desirable use for which the land in each district is adapted
The conservation of property values throughout the jurisdiction; and
Responsible development and growth

In addition, for a PUD, the ordinance must include development requirements. Ms. Cowgur stated that it is important to note that they are in the very early stages of the process. This is a zoning decision that has been presented as a concept. Once the project has more details, it will go through design standards, development processes and the county will be able to review the actual proposed buildings to confirm that the overall standards are adhered to. The record shows that the proper notice requirements were fulfilled leading to the Plan Commission meeting and public hearing. All the legal notices were posted and/or sent. Ms. Cowgur stated that the statement was made by Monrovia leadership that they were not involved in the process and expressed concerns about that. Upon investigation into this statement, Ms. Cowgur learned that Monrovia were in fact invited to meet with the developer and discuss the project, albeit confidentially so as not to jeopardize the project before it started, and one leader met with the developer and expressed support; others declined. There have also been assertions that property owners had not consented to the PUD proposal and that is also incorrect. Language from the purchase agreements was provided to the Plan Director prior to the public hearing and they also have explicit consent and ratification of actions taken on behalf of the property owners. There have been specific questions about the standards set out in the PUD, there have been hypothetical scenarios presented about what would be built or how bad things could be if the project proceeds or doesn't proceed. They are in the very early stages of the process; the county will have input into the buildings and fixtures that go on the properties. If the building's parking lot, greenspace, water retention does not meet county standards, then the county won't approve the project. If the project does not proceed, the Plan Commission can amend the PUD in the future or tailor the zoning for a future project. Ultimately, this body must determine the appropriate zoning based on the current conditions, the most desirable use, the affect on property values, and responsible growth for the area. The PUD ordinance as presented can be adopted by the Board of Commissioners within and under the statute.

Kenny Hale thanked the public for attending and voicing their opinions. Mr. Hale worked with a company several years ago to get a data center established on the SR 37/I-69 corridor because just having a residential property tax base hits the pocketbook. Mr. Hale stated that he supports the project.

Don Adams thanked the public for their participation. Mr. Adams stated that it would be important to invest back into Monrovia. Mr. Adams received a call from a resident of Monrovia who supported the project and stated that it is good for the school, for kids to stay in the community and for opportunities. It is not a warehouse and provides positive opportunities. Mr. Adams stated that he had faith that the project would be a good thing for Monrovia, Morgan County and future generations. There are further checks as the project moves forward.

Don Adams made a motion to approve Ordinance 2025-1. Motion seconded by Bryan Collier. Motion carried 3-0.

FOR THE GOOD OF THE COUNTY

Bryan Collier stated that they listened to concerns and complaints and the project is good for the county.

ADJOURNMENT

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

Morgan County Board of Commissioners

Don Adams

Attest:

Bryan A. Collier

Linda Pruitt, Morgan Co. Auditor

Kenny Hale