

**THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A WORKSHOP
SESSION ON WEDNESDAY, JULY 7, 2021 AT 2:00 P.M.**

MEMBERS PRESENT WERE DON ADAMS, KENNY HALE AND BRYAN COLLIER. ALSO PRESENT WERE: DEB VERLEY, EXECUTIVE ASSISTANT; JOSH MESSMER, COUNTY ADMINISTRATOR; DAN BASTIN, COUNTY AUDITOR; JIM WISCO, COUNTY ATTORNEY; LAURA PARKER, PLAN COMMISSION DIRECTOR; AND DR. PAUL BRODERICK, ELIZABETH YOUNG, AND JASON MILIKAN, HEALTH DEPARTMENT.

PLEDGE

JUNK PROPERTIES

Members of the Health Department informed the Board of Commissioners that the current Illegal Dumping Ordinance allows them to address (health related concerns rather than eyesores) and that 50% of the calls they receive regard junk properties with construction material, excess equipment, cars, etc. that they are not able to address. Elizabeth Young stated that if there is more than a quarter acre of trash, tires, cars and debris then they can go through IDEM in an attempt to have it removed. Jim Wisco noted that the enforcement mechanism is a court filing. Josh Messmer stated the filing liens like the process with the vegetation ordinance seems to work well and asked if this would be possible with the Health Department. Mr. Wisco stated that it is possible.

Laura Parker stated that the junk vehicles and other accumulated items could be addressed two ways. If it is a business, then it is a land use issue addressed through zoning. If it's personal, then it is a nuisance issue addressed through an ordinance passed by the executive branch. The Plan Commission takes written complaints and they are sometimes able to get it cleaned up. Ms. Parker provided a draft ordinance that can be modified as the Board chooses. This would set up the framework for enforcement.

Josh Messmer asked if the Board would like to consider putting an ordinance in place to bolster the ability to assist in cleaning up the junk properties. Jim Wisco stated that the potential of an unsafe building committee (per I.C. 36-7-9) provides the ability to address this issue. Mr. Messmer stated that there is also a line item request of \$10,000 in the Commissioners' budget for next year to assist with enforcement.

Bryan Collier asked how other counties allow one person's trash to be someone else's treasure and gave an example of a yard with over 50 lawn mowers. They shouldn't need to re-invent the wheel as other counties must have had to address this issue. Mr. Collier stated that the Board should not pass something that the Health Department, Plan Commission or Sheriff can't enforce.

Kenny Hale stated that properties didn't get like that overnight; when he was the Plan Commission Director, as long as progress was being made to clean up the property, they would work with the owner. They would go through the courts and get a ruling. Mr. Messmer asked if it was better to go through the courts or if was better to file a lien against the property. The Board agreed that they would like to see the liens collected through the tax bill. Elizabeth Young stated that unsafe and unfit are two different things and the Health Department can do something about unfit under I.C. 16-41-20. If it is unsafe, they can't declare it to be unsafe, but if declared unsafe, they can declare it unfit and order that the home be vacated. Jason Milikkan stated that adding a fine structure to the ordinance could give it more backbone. Mr. Messmer stated that it looks like either leaving the ordinance within the Plan Commission ordinance and trying to bolster it, or moving it out of the Plan Commission and drafting a stand alone ordinance are the two options. Mr. Messmer asked that the Commissioners review the current Illegal Dumping Ordinance that the Health Department uses and the draft ordinance that Ms. Parker provided. He will work with both departments in getting something drafted.

UNSAFE BUILDING COMMISSION

Josh Messmer stated that an unsafe building commission can handle some of the same items just discussed. If they are moving in that direction, Mr. Messmer suggested that a commission should focus on the buildings themselves. Laura Parker stated that the state defines an unsafe building and property owners have recourse to remedy the situation before enforcement. Bryan Collier and Kenny Hale stated that they would prefer a board (over a hearing officer) that would respond to complaints. Jim Wisco stated that he served as the City of Martinsville's Unsafe Building Committee attorney and a vast majority of the properties were brought into compliance.

OFF-ROAD RACING

Terry Keith stated that he thought this issue was a matter of setting up a permit process since the

Mass Gathering Ordinance no longer applies. Kenny Hale stated that when he was racing, they had to obtain permits or a special exception. Bryan Collier stated that there should be certain notifications and requirements, but not just for off-road racing; it should be for special events that don't conform to the current zoning assignment. Laura Parker stated that this could be addressed through the BZA with a special exception permit for a one-time event.

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:

Kenny Hale

Dan Bastin, Morgan Co. Auditor

Bryan Collier