

**THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION
ON MONDAY, OCTOBER 18, 2021 AT 6:30 P.M.**

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

PLEDGE – *Kenny Hale in honor of Wayne Dillman*

PRAYER – *City of Martinsville Mayor Kenny Costin*

B.O.T. PRESENTATION

Cam Starnes, Taft Law Firm, was present to give a general overview of the B.O.T. (Build Operate Transfer) process. Mr. Starnes stated that B.O.T. is a project delivery method in Indiana that a public entity can deliver a public project to improve its public facilities for the community. There are a number of items that are taken into consideration when planning a public project including cost, risk allocation, timing, flexibility, control of the project, quality and financing mechanisms. B.O.T. is defined in Indiana Code 5-23. The project is procured upon a qualifications based procedure. They are essentially contracting for the development and delivery of a completed project. The main contracting structure is an agreement with a private operator or developer; that party then holds the contract with the contractor, which then shifts the cost for change orders and cost overruns to the developer or operator level.

The process is to identify a need, consult with advisors, consider the delivery factors (finance, risk, timing, etc.) begin the procurement process, form a review committee, evaluate responses received, and make a recommendation to the Board of Commissioners. The next step is a public hearing regarding the selection recommended by the committee as required by statute and a vote to adopt a resolution to formally select an operator to carry out the project. Notice of the public hearing has been published in the local paper. Once the resolution is considered and adopted, this initiates the scoping period. Once that is complete, the planning/design phase will begin followed by the construction phase. There will be financing and BOT documents. This process allows for a guaranteed maximum price by the general contractor that passes through to the operator. After construction is complete, there is a warranty period and an operations period that will be negotiated as part of the BOT agreement. The completed improvements are conveyed to the county following the completion of the operations period.

Greg Martz, GM Development, along with Kevin McGovern of Meyer Najem and Eric Ratts from DLZ, presented information regarding the BOT process. Mr. Martz stated that they responded to the RFP in April and have been working through the summer on the scoping period. Part of the RFP was to make recommendations and parking and security rose to the top. Mr. Martz stated that they were there to present solutions and options. They will make a similar presentation to the Council in November.

Eric Ratts stated that this project began out of a space needs feasibility study last year. As they were meeting, security and parking needs were listed as most important. Mr. Ratts presented two options. Option 1 showed a 300-space parking garage with a security addition that would create a plaza area and make more of an entrance from Main Street. Option 1A remains the same, but opens the entrance up towards Main Street even more with sidewalks off of Main Street and makes more of a connection to the downtown area. This option would require the acquisition of one property. Option 2 is identical to Option 1, only instead of a 300-space parking garage, there would be a 100-space surface lot. Option 2A also allows for the surface lot and the plaza area. Option 1 and 1A also allow for the closing of Mulberry Street and the placement of bollards so the street can be used as a pedestrian crosswalk. The security area for all options would allow one main entrance/exit for all visitors, a security checkpoint, security office, lobby space, restrooms, elevator and open upper level with. This would be a 6,100 sq. ft. addition.

Kevin McGovern stated that Option 1 has a budget of \$4,542,000 for the security area. The 300-space parking garage has a budget of approximately \$25,000 per space for an estimate of \$7.5 million. The plaza area and site work is \$1.4 million and the fairgrounds area is \$1.1 million for a total of \$14,561,188. Option 2 has a budget cost estimate of \$1.6 for the surface parking and other costs stay the same for a total of \$8,670,038.

Mr. Martz stated that once a option was chosen, they would work with Baker Tilly regarding financing.

Bryan Collier stated that they have had requests for security at the Administration Building for years. The functionality of the buildings needs to be addressed. A hot topic that always seems to come up

with any type of development, especially in the confined area downtown is parking. These are the key aspects driving this project. They are trying to be good stewards of the tax dollars, but part of that is investing in themselves. The typical construction increase is 3% (discounting the events of the last two years) and the longer they wait, the more cost prohibitive it becomes. If the county expects to continue to grow and move forward, these are the types of projects they need to consider. Kenny Hale stated that he agreed that parking is an issue in the downtown area. In order to expand surface parking for an entire block would require purchasing seven homes. However, he wasn't sure that building a parking garage was the way to go either. Mr. Martz stated that they could recommend a preference to the Council if the Commissioners preferred one option over the other. Don Adams stated that he would like to have both options available for the Council meeting. Mr. Starnes stated that the public hearing and resolution are about selecting the team for the project and not deciding upon one of the options presented.

PUBLIC HEARING

Bryan Collier made a motion to recess the meeting and open the public hearing. Motion seconded by Kenny Hale. Motion carried 3-0.

Don Adams opened the public hearing and asked if there were any public comments.

Gary Oakes, City of Martinsville, stated that the city is excited to hear of this project and is in support. They are happy to help with the permitting process or utility process. They would ask that they be included in the planning process. Mr. Oakes stated that Meyer Najem is a fine contractor and also noted that almost all of the projects in the Carmel, Westfield, Noblesville area include a parking garage. There were no other public comments.

Bryan Collier made a motion to close the public hearing and reconvene the Commissioner meeting. Motion seconded by Kenny Hale. Motion carried 3-0.

RESOLUTION AWARDING BOT

Kenny Hale made a motion to approve the Resolution Awarding Build-Operate-Transfer Transaction and Taking Certain Other Related Actions. Motion seconded by Don Adams. Motion carried 3-0.

SNOW REMOVAL CONTRACT DISCUSSION

Tony Hinkle, Morgan County Highway Engineer, stated that they are down some personnel and would like to advertise to request snow removal bids from contractors in the local area for 13 subdivisions. They would like to open bids November 15th in order to be ready to start December 1st. Bryan Collier asked if liability for knocking over mailboxes would be on the contractor. Mr. Hinkle stated that they have asked for \$1 million in liability insurance.

SPEED LIMIT ORDINANCE DISCUSSION

Mr. Hinkle stated that when the county takes in the roads from I-69, they work with INDOT to adjust speed limits. This ordinance is to assign speed limits to the county roads and adjust some of the arteries that may be affected with the new traffic patterns. This ordinance will be on the next agenda. Bryan Collier stated that if there was a way to educate citizens through the new website regarding the steps it takes to reduce the speed limit or place a stop sign on a county road, that would eliminate several phone calls. Kenny Hale made a motion to table this item until November 1st meeting. Motion seconded by Bryan Collier. Motion carried 3-0.

REZONE REQUEST – Ag to R1

At their October 14th meeting, the Morgan County Plan Commission recommended that a petition from Glen and Elizabeth Harper to rezone 11.36 acres in Ray Township from Ag-1 to R-1 be approved. Don Adams noted that Plan Commission Director, Laura Parker, was present to answer any questions. Kenny Hale made a motion to approve the request. Motion seconded by Bryan Collier. Motion carried 3-0.

REZONE REQUEST -

The Morgan County Plan Commission recommended that a petition from Daniel "Sam" Cramer to rezone six acres in Ashland Township from I-3 to Ag-1 be approved. Kenny Hale made a motion to approve the request. Motion seconded by Bryan Collier. Motion carried 3-0.

EXECUTIVE SESSION

Bryan Collier made a motion to table any action as a result of the Executive Session. Motion seconded by Kenny Hale. Motion carried 3-0.

FOOD SERVICES AGREEMENT AMENDMENT

Sheriff Rich Myers requested approval of Amendment No. 4 to the Food Services Operation Agreement. This amendment with Aramark Correctional Services LLC is a price adjustment for meals served from August 1, 2021 through July 31, 2022. Bryan Collier made a motion to approve the amendment. Motion seconded by Kenny Hale. Motion carried 3-0.

GRANT APPLICATION – Sheriff

Sheriff Myers requested approval of a grant application from the US Department of Justice for a \$160,000 for body cameras and in-car video cameras. The total initiative is estimated at \$432,606 and Morgan County would be responsible for \$272,606.00. This amount is in the budget. Bryan Collier made a motion to approve the application. Motion seconded by Kenny Hale. Motion carried 3-0.

ILLEGAL DUMPING ORDINANCE

Don Adams noted that the Ordinance Amending Chapter 51 of the Morgan County Code of Ordinances Concerning Illegal Dumping and Waste mentions a Section 51.07, but it is not listed in the ordinance. Bryan Collier made a motion to approve the ordinance with the correction. Motion seconded by Kenny Hale. Motion carried 3-0. The second reading for this ordinance will be at the November 1st meeting.

ORDINANCE ADOPTING EMERGENCY HEALTH ORDER PROCEDURES

Jim Wisco stated that Senate Enrolled Act 5, addressing concerns related to public health and individual liberties, states that as of July 1, 2021, individuals who are issued a citation by a local health department in conjunction with an enforcement action by the department, are afforded the right to appeal the matter to the Commissioners. This ordinance outlines the appeal process. Bryan Collier made a motion to approve the ordinance. Motion seconded by Kenny Hale. Motion carried 3-0. This item will be on the next Commissioner agenda for a second reading.

PUBLIC NUISANCE ORDINANCE – 2nd Reading

Don Adams stated that he had not received any comments of feedback regarding this ordinance. Bryan Collier stated that there are many complaints that fall under this ordinance and the ordinance will allow them to address these complaints better. Bryan Collier made a motion to approve the Ordinance Amending Chapter 94 of the Morgan County Code of Ordinances for Properties Located Within the Jurisdiction of Morgan County, Indiana. Motion seconded by Kenny Hale. Motion carried 3-0.

APPOINTMENT – Community Corrections Advisory Board

Don Adams stated that Keith Lashbrook has been suggested to fill a position on the Community Corrections Advisory Board vacated by Eric Lashbrook. Kenny Hale made a motion to appoint Keith Lashbrook to the Community Corrections Advisory Board. Motion seconded by Bryan Collier. Motion carried 3-0.

EMS MOU

Don Adams congratulated Keenan Blair for his first day as EMS Director. Mr. Blair stated that they have a MOU with Ivy Tech that allows them to precept their students and in return, they get free credits to take other courses. This new MOU states that for every 1,000 hours that Morgan County precepts a student, they will allow one free spot for an EMT to attend paramedic school. Don Adams stated that it is a great idea and a way to encourage those that want to become paramedics. Bryan Collier made a motion to approve the MOU. Motion seconded by Kenny Hale. Motion carried 3-0.

RESOLUTION TO DISPOSE OF SRPLUS REAL ESTATE – American Water

Don Adams stated that this resolution involves property as part of a right of way that American Water requested. This resolution allows the property to be disposed of. Kenny Hale made a motion to approve the Resolution to Dispose of Surplus Real Estate. Motion seconded by Don Adams. Motion carried 3-0.

BROADBAND TASKFORCE UPDATE

Don Adams stated that there are several groups working on broadband issues and he will be meeting with the state. Mr. Adams stated that people can check their broadband speed on <https://www.infarmbureau.org/resources/broadband-speed-test> and they may also check a map on the site to see coverage.

DEED OF DEDICATION – Hadley's Corner

Don Adams noted that the corrected deeds have not been received and this item remains tabled.

CONFLICT OF INTEREST

Bryan Collier stated that he has rental property and he rents to an entity that receives county funding. Don Adams made a motion to accept the Conflict of Interest. Motion seconded by Kenny Hale. Motion carried 2-0-1. Bryan Collier abstained.

TRANSFER LETTERS

Don Adams stated that a transfer of funds for a vehicle lease is being requested. Kenny Hale made a motion to submit the transfer letter to the Council. Motion seconded by Bryan Collier. Motion carried 3-0.

Kenny Hale made a motion to submit a transfer letter to the Council for the Parks and Recreation Department. Motion seconded by Bryan Collier. Motion carried 3-0.

ADDITIONAL APPROPRIATION

Kenny Hale stated that he applied for a grant through FEMA and Homeland Security and the amount awarded was half of the requested amount. Mr. Hale would like to request the matching amount of approximately \$30,000 and \$40,000 for closing costs and the additional amount of the appraisal. Bryan Collier made a motion to submit the additional appropriation to the Council. Motion seconded by Don Adams. Motion carried 3-0.

TORT CLAIMS

Bryan Collier made a motion to submit the State of Indiana, USAA General Indemnity Company/Nicholas Kirk, Brenda McKinney, Randy and Elizabeth Sink, and Jason Paro and Emily Wilber tort claims to the insurance company. Motion seconded by Kenny Hale. Motion carried 3-0.

FOR THE GOOD OF THE COUNTY

Laura Parker, Morgan County Plan Director, stated that they have been working since February to update the county’s Zoning and Subdivision Control Ordinances. This will be a brand new document called the Unified Development Ordinance. They are at the point to take public comment. The meeting for public comment will be held from 4 pm to 6 pm on October 26th in the Lucille Sadler Room of the Morgan County Administration Building. There will be a joint meeting with the Commissioners on November 8th at 5 pm.

ADJOURNMENT

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

Morgan County Board of Commissioners

Don Adams

Attest:

Kenny Hale

Dan Bastin, Morgan Co. Auditor

Bryan Collier