

**THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION
ON MONDAY, MARCH 7, 2022 AT 9:30 A.M.**

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

PLEDGE – *Kenny Hale*

PRAYER – *Don Adams*

MINUTES

Bryan Collier made a motion to approve the February 7 and 21, 2022 meeting minutes. Motion seconded by Don Adams. Motion carried 3-0.

CLAIMS

Don Adams made a motion to approve the February 7th and 18th payroll of \$713,770.75 and \$706,211.34 and February 11, 2022 COVID Supplement of \$21,000.00; PERF \$63,683.16 and \$63,037.02 and \$1,334.00; FICA \$52,050.23 and \$51,452.36 and \$1,606.50; and monthly claims of \$2,959,581.88. Motion seconded by Bryan Collier. Motion carried 3-0.

MPO COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

Don Adams introduced Rose Scovel and Anna Gremling, Metropolitan Planning Organization, who were present to provide an update on the Central Indiana Comprehensive Economic Development Strategy. Ms. Scovel stated that they have been working on the strategy driven plan for a little over a year. The Indianapolis Chamber led the last strategy in 2015. This is provided at no cost to eight counties in Indiana. They hosted 12 focus groups over the summer and four working groups (Equitable Growth, Infrastructure, Talent Attraction and Workforce Development and Innovation and Technology) met over the summer to flesh out what some of the initiatives should look like. The initiatives and goals are developed and they are working on implementation planning. The public comment period is open February 14 through March 16. The draft document and process information is available here: <https://www.indympo.org/whats-underway/ceds>. The initiatives include talent, innovation and placemaking and Ms. Scovel outlined what each of these includes. They will be back in the summer for consideration and no action is required at this time. Don Adams noted that Mike Dellinger, EDC Director, has also been working with them.

GRANT APPLICATION - CASA

Candice Carter, Morgan County Court Services, was present to request approval of a grant application not to exceed \$45,000.00 through the Indiana Supreme Court for a 2022 GAL/CASA Wellness Program. Ms. Carter stated that funding will be used to increase advocacy, reduce child waiting lists and better allocate program resources for abused and neglected children. Don Adams made a motion to approve the application. Motion seconded by Bryan Collier. Motion carried 3-0.

RICOH PURCHASE AGREEMENT – Health Department

Josh Messmer stated that this copier is for the facility on Morgan Street. The Health Department inquired about purchasing the copier under the county's plan through Ricoh rather than leasing and requested approval of the agreement. Bryan Collier made a motion to approve the agreement with Kenny Hale as the signatory. Motion seconded by Don Adams. Motion carried 3-0.

FIBER DISCUSSION

Josh Messmer stated that in 2018, the Board of Commissioners implemented an Infrastructure Development Zone incentivizing the installation of fiber for broadband across the county. Mr. Messmer stated that there are firms that are ready to take advantage of this, but need more guidance than what the ordinance provides. Mike Dellinger, Morgan County Economic Development Corporation, stated that the RDC has started an engineering study on a case-by-case basis, the City of Martinsville has a pending contract for fiber work and the EDC has worked with REMC and AT&T to put together resolutions to help them seek opportunities on a state level. Mr. Dellinger stated that the state statute permits a tax abatement on personal property (the fiber) that companies put in the ground. They really haven't had anyone come forward to request this yet. REMC has installed fiber, but has not requested an abatement or exemption. Mr. Dellinger stated that every time fiber is to go in the ground, they could have the applicant apply for a tax abatement, or there is an exemption process offered for a one time exemption and asked if Mr. Wisco had information on that. Jim Wisco stated that he would have to research the information on this procedure. Dan Bastin stated that he would not be in favor of making this retroactive or issuing refunds if they apply. Kenny Hale stated that the exemption would be the easiest way to handle it and the ordinance would be out of date in July of 2024. The Board could address it now though. Mr. Dellinger estimated the exemption to be 10's of thousands of dollars a year that could be exempted and they could lay more fiber in the county. Josh Messmer stated that last year it would have been approximately \$30,000 in value. Kenny Hale stated

that they would work with Josh Messmer and Jim Wisco in creating a new ordinance or updating the current one to do what is best for the county.

ORDINANCE 2022-7 PUBLIC HEALTH EMERGENCY APPEAL – 2nd Reading

Jim Wisco stated that this ordinance lays out a process so that someone can appeal to the Board of Commissioners regarding enforcement actions if the local health department imposes sanctions for violations of orders that are issued by the local health department as a result of an emergency declared by the Governor. There is a certain time frame to appeal. Mr. Wisco clarified that this appeal process would be as a result of a declared local public health emergency as declared by the local health department or a disaster emergency as declared by the Governor. Don Adams suggested a change in language, but it was determined that the language reflected the same language that was in Indiana Code and it was not changed. Bryan Collier made a motion to approve the ordinance. Motion seconded by Kenny Hale. Motion carried 3-0.

SOLID WASTE DISTRICT DISCUSSION

Josh Messmer stated that the topic of bringing the Solid Waste District into a department of the county rather than being governed by a board, came up late last year and was brought up early this year. Mr. Messmer presented a brief memo outlining the steps; the first step would be to ask the Council to approve a preliminary resolution in favor or making the change. Because the Solid Waste District Board has been in existence for more than 10 years, instead of waiting three months, it's six months, and there is a 180 period before they can hold a public hearing. In that time, they would need to work with Mr. Kivett to put together a transition plan. They already fund the district out of the levy, they don't have outstanding bonds and the director is treated as an employee. Ten days prior to the public hearing, the transition plan must be made available to the public. Then they can hold a public hearing and take action on the day of the public hearing or any day after. The ordinance will have an effective date as designated by the Board of Commissioners. A January 1, 2023 effective date is agreeable to all parties. Bryan Collier stated that this is long overdue. The Board thanked Ms. Verley for doing the research on this topic. Don Adams made a motion to proceed with this process. Motion seconded by Bryan Collier. Motion carried 3-0.

OFFICE PURCHASES POLICY

Josh Messmer stated that the Auditor's Office has had a difficult time with some offices submitting claims for items that have not typically been paid for by taxpayer funds, such as cutlery, paper plates, coffee, etc. Dan Bastin stated that it has only been a handful of offices, but he wanted to get ahead of it before it snowballed. Don Adams made a motion to approve the memo. Motion seconded by Bryan Collier. Motion carried 3-0.

EMERGENCY DECLARATION RATIFICATION

Bryan Collier made a motion to approve the emergency declaration issued March 3rd and 4th for a weather event (snow/ice). Motion seconded by Don Adams. Motion carried 3-0.

OPIOID LITIGATION UPDATE – RESOLUTION 2022-3-7

Jim Wisco stated that House Enrolled Act 1193 makes the distribution of litigation proceeds between the state and local municipalities more equitable, previously it was 85% to 15% in favor of the state, now it is 50/50; it no longer bars local units of government from participating in future lawsuits; and it gives more control to the local units of government. Mr. Wisco anticipates the Governor to sign it any day. The Act becomes law upon the Governor's signature. Mr. Wisco stated that it makes sense to opt in. The first portion of settlement proceeds are expected in April. Bryan Collier stated that he thought they should opt in if it passes as presented. Mr. Wisco suggested adding language to the resolution, Page 2 Number 4 as follows: "...; and no other changes are made to IC 4-6-15 during the 2022 legislative session.". Bryan Collier made a motion that Morgan County opts in to the new bill if it is passed as presented. Motion seconded by Don Adams. Motion carried 3-0.

APPOINTMENTS

Kenny Hale stated that they need to move forward in making the four appointments to the ARPA committee. He has also reminded the Council that they need to make three appointments.

BULK USER AGREEMENT

Jim Wisco stated that he has been working on this and has a memo to send out before this item is ready for approval. Bryan Collier made a motion to table the Bulk User Agreement. Motion seconded by Kenny Hale. Motion carried 3-0

AMENDMENT TO CHAPTER 34 - EMERGENCY MANAGEMENT

Mr. Wisco stated that this item also is not ready. Don Adams made a motion to table the item. Motion seconded by Kenny Hale. Motion carried 3-0.

TORT CLAIM

Bryan Collier made a motion to forward the Pugsley tort claim to insurance. Motion seconded by Don Adams. Motion carried 3-0.

FOR THE GOOD OF THE COUNTY

Don Adams stated that the Bicentennial Committee is planning for the September event at Old Town Waverly Park. People who are interested in being involved should contact Mr. Adams or Mr. Hale. There will be ongoing events and the missing plaque has shown up and will be placed at the Courthouse on a future date.

SIGNATORY

Dan Bastin stated that the Auditor's Office has received the first claim to expend county funds appropriated for the Bicentennial and they need to know if they want to designate one of the Commissioners as signatory, or if they want each claim to come before the board for approval. Bryan Collier made a motion to appoint Kenny Hale as signatory for the Bicentennial claims. Motion seconded by Don Adams. Motion carried 3-0.

HOLD HARMLESS AGREEMENT

Kenny Hale stated that he just received the Hold Harmless Agreement on Friday from FDIC (Fire Department Instructors Conference). They will be in the county between April 21st and April 30th, but do not have the exact date. This will help the county provide matching funds for the FEMA grants Mr. Hale has obtained in order to purchase flooded property.

Mr. Hale has also been working with a national organization that wants to partner with the county parks to do races and marathons. Mr. Hale requested consensus from the Board to host the events. Bryan Collier stated that he thought this would help promote the area. Don Adams stated that he approved.

COMMENT

Cecelia Krefft, a Martinsville resident, stated that she had two complaints: the curb at the intersection north of the Administration Building is too high and she had to walk in the street until she could access a more easily accessible area. Kenny Hale stated that this is a city issue. Ms. Krefft stated that the other complaint was that a survey was done in 2019 regarding the need for new facilities. While she is in favor of a building at the fairgrounds, she is opposed to a new building to the west of the current Administration Building. If Soil and Water, Purdue Extension, and others will be moving out to the fairgrounds, the usage of the building should be reassessed. The judges do not need anything more than their salaries and excellent staff. She is concerned about the bond market and what is going on in Russia and it feels more like 1929. Ms. Krefft asked that they are caught in their bubble of planning and don't know the needs of common citizens and asked that they reconsider the plans to build. Ms. Krefft asked how many spaces the parking garage would have. Bryan Collier stated that there would be approximately 280. If the county can't build out for a parking lot; they will build up. They have not invested in themselves for decades. The City of Martinsville presented a plan to the Drainage Board to develop 280 more homes. The county is growing. Ms. Krefft stated that she did not question the need for more parking spaces, her concern is the judges need of a new building and if there wasn't a good reason for the building, she would attend the Council meeting and ask that they reconsider priorities.

ADJOURNMENT

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

Morgan County Board of Commissioners

Kenny Hale

Attest:

Bryan Collier

Dan Bastin, Morgan Co. Auditor

Don Adams