

THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON FRIDAY, SEPTEMBER 4, 2020 AT 9:30 A.M.

MEMBERS PRESENT WERE RYAN GOODWIN, KENNY HALE AND NORMAN VOYLES. DEB VERLEY, EXECUTIVE ASSISTANT; JOSH MESSMER, COUNTY ADMINISTRATOR; AND JIM WISCO, COUNTY ATTORNEY, WERE ALSO PRESENT.

PLEDGE.

PRAYER (*Ryan Goodwin*).

REZONE REQUEST

Matthew and Sarah Clark have requested that Lot 5 in Harvey Woods' Hillside Subdivision on Center Valley Road be rezoned from R3 to Ag. Sarah Clark stated that Matthew purchased the property in March of 2011 and did not know the property was not zoned Ag until a complaint was filed in June of 2020. Their plan is to winter 10 to 15 cows from November through April as a sacrifice lot. The remainder of the time, the cattle will be at their Clay Road property. Matthew Clark stated that they have been working with USDA and NRCS and the complaint from the neighbor has not been investigated.

Karen Pierce stated that her mother owns the property adjoining the Clark property and they would not have taken their complaint to the Plan Commission if their concerns would have been addressed by the Clarks. Ms. Pierce stated that the concerns included manure, smell of the hogs, depreciation of property, and the problem has been compounded by the addition of more cattle each year. The animals are on less than a half-acre.

Ryan Goodwin stated that there is no ordinance stating how many animals an individual can have on their property. The nearby properties are similar in size and similar in zoning. It is a mixed use area; however the property is tapped out and any future growth would need to occur at a different location. Mr. Goodwin stated that it is his understanding that the animals would stay at the Clay Road property if the Clarks could get electricity to the property. Mr. Goodwin was concerned that the county is getting close to determining how many animals could be allowed on a property. They should not be concerned about the size of the property as there is no size requirement for a property to be zoned as Ag; although a reasonable person could look at the property and say it is tapped out. Mr. Goodwin did not see why the property should be zoned Ag since other properties are zoned as Ag and it is a mixed use area.

Norman Voyles stated that he applauded the Clarks for what they are wanting to do; however it is too much in too small of an area. Mr. Goodwin stated that it appears that they are wanting to use the zoning laws to enforce laws they don't have on the books.

Kenny Hale commended the Clarks for their business efforts they need to do due diligence when starting a business. It is a small piece of property for the number of animals.

Mr. Goodwin stated that the request was sent to the Board of Commissioners with an unfavorable recommendation. Norman Voyles made a motion to accept the recommendation of the Plan Commission and deny the request. Motion seconded by Kenny Hale. Motion carried 2-1. Ryan Goodwin was opposed.

VEHICLE QUOTES AND DISPOSITION – *Health Department*

Jeanne LaFary, Morgan County Health Department, stated that the Health Department will be leasing two Ford trucks and selling another and asked for signatures on the quotes. The two vehicles will be leased from Enterprise Leasing using state grant funds. Norman Voyles made a motion to approve quotes. Motion seconded by Kenny Hale. Motion carried 3-0.

Ms. LaFary stated that there are three or four documents that need signed for the disposition of the vehicle they are selling. Kenny Hale made a motion to approve signing the necessary documents for the disposal of the Health Department vehicle. Motion seconded by Ryan Goodwin. Motion carried 3-0.

SURPLUS PROPERTY DONATION – *Recorder's Office*

Ryan Goodwin stated that the Recorder's Office had two ScanPro 800 microfilm scanners to donate to other counties. Norman Voyles made a motion to approve the Resolution Approving Donation of Surplus Property to Clinton County and the Resolution Approving Donation of

Surplus Property to Fayette County. Motion seconded by Kenny Hale. Motion carried 3-0.

AT&T ADDENDUM

Scott Hamilton, Morgan County 911 Dispatch Director, was present to request approval of an addendum to the agreement with AT&T that would give the county the ability to answer 911 calls remotely should they have to evacuate the center for some reason. The cost for this is \$172,000 and they will be requesting an additional appropriation to the Council. This expense should qualify for reimbursement through the CARES Act. Kenny Hale made a motion to authorize Mr. Hamilton to approach the Council for the additional appropriation through the Rainy Day Fund. Motion seconded by Ryan Goodwin. Motion carried 3-0.

OFF-ROAD VEHICLE ORDINANCE AMENDMENT DISCUSSION

Jim Wisco stated the current off-road vehicle ordinance explicitly excludes golf carts. The proposed amendment allows golf carts on certain roads and would exclude them from roads with a posted limit of 30 MPH or greater. The ordinance excludes municipalities. Ryan Goodwin stated that Heartland Crossing was built around a golf course and the main roads have additional width to accommodate bikes and other modes of transportation. He received a letter from a resident asking that the Board of Commissioners consider permitting golf carts in certain parts of the county. There are roads where the operation of a golf cart on a county road would be very hazardous. A draft of an ordinance will be ready for presentation at the next meeting.

EMS FEE SCHEDULE / MED BILL

Josh Messmer stated that Med Bill is the company EMS works with for ambulance billing. The current contract will expire soon and Mr. Messmer presented an updated contract for consideration; however, the figures in the contract are contingent upon updating the fee schedule. The fee ordinance will be ready for presentation at the next meeting.

MEMORANDUM OF UNDERSTANDING – Johnson County

Josh Messmer stated that this agreement is related to the location server that Johnson County is letting the county use. Morgan County will provide a CAD to CAD link for Johnson County so they can dispatch for one another through location. This is being presented for review only and no action is necessary at this time.

REAL ESTATE

Josh Messmer stated that Indiana Department of Administration has identified a surplus parcel of property off of Bethel and SR 42 and have given Morgan County first right of refusal. If the Board is not interested, it will go through a public auction. The county owns no contiguous land in the area. Norman Voyles made a motion to pass on the option to purchase the real estate. Motion seconded by Ryan Goodwin. Motion carried 3-0.

I-69 TRANSFER AGREEMENT

Tony Hinkle, Morgan County Highway Engineer, stated that they received the detailed information for the Section 6 Transfer Agreement and would like to have everything in order by the middle of November.

RFP AWARD

Mr. Hinkle handed out a spreadsheet showing recommendations for the RFPs that were issued for engineering assessments for the long term plan. Mr. Hinkle reminded the Board that he has a 10-year plan for bridge replacement and infrastructure. For the next five years, he would like to submit five bridges and one road each year to INDOT for LPA funding. Mr. Hinkle received nine proposals. Mr. Hinkle recommended the following: Teeters Road, DLZ; Bridge #97, SJCA; Bridge #104, BLN; Bridge #166, Clark Dietz; Bridge #29, United Consulting; Bridge #49, VS Engineering; Oncall 1, Banning Engineering; Oncall 2; USL. Norman Voyles made a motion to accept the recommendation except for Teeters Road and that would be United Consulting. Motion seconded by Kenny Hale. Motion carried 3-0.

CAPITAL IMPROVEMENT PLAN

Mr. Hinkle handed out a spreadsheet showing the capital improvement plan for the Highway Department that includes bridges and structure replacements.

RE-AWARD PAVING BID – Wilbur Road

Mr. Hinkle stated that three paving bids were opened at the previous Commissioner meeting. Two of the bids were awarded to Wallace, Tincher and Wilbur. After further review, he discovered that the bid for Wilbur Road did not include a price for striping. The specifications included striping and Mr. Hinkle asked if the bid would include the striping. They said it would not. The second lowest bid was Harding Group and the price did include striping. Kenny Hale made a motion to award the bid to Harding Group. Motion seconded by Ryan Goodwin. Motion carried 3-0.

OLD TOWN WAVERLY PARK RESTROOM

Kenny Hale stated that he requested quotes from Weddle Heating & Cooling and Bob Yarnell for the heating and cooling system for the Old Town Waverly Park restrooms. Weddle Heating & Cooling submitted a quote of \$5,800. He also requested quotes for electrical work in the restroom and cabin from Elliott Electric and Live Wire. Live Wire provided a quote of \$13,033.84. Both quotes would be paid by the Redevelopment Commission. Kenny Hale made a motion to approve the quotes. Motion seconded by Ryan Goodwin. Motion carried 3-0.

OLD TOWN WAVERLY PARK FEE ORDINANCE

Kenny Hale stated that in order to generate more fees for the Park & Recreation Department, they would like to provide hay rides for \$10 for adults and \$5 for children and golf cart tours for \$2. Kenny Hale made a motion to approve the Ordinance Creating Certain Fees for Old Town Waverly Park and to waive a second reading if adopted unanimously. Motion seconded by Ryan Goodwin. Motion carried 3-0.

I-69 SECTION 6 ROAD TRANSFER AGREEMENT

Tony Hinkle stated that since the last Commissioners' meeting, INDOT sent the exhibits and verbiage for the I-69 Transfer Agreement. He met with Jim Wisco and Josh Messmer to review the Section 6 Agreement alongside the Section 5 Agreement. The Section 6 Agreement has more detail and there have been minor changes. They are not far from having a final product, but there was concern that they were accepting roads that weren't even built yet. However, in reviewing the documents, they feel the county is covered due to changes that could come up in future design. Mr. Hinkle will submit technical changes and clarify some questions. This will be ready for review at the next meeting and will be ready for approval at the first meeting in October. There will be 11 miles of road and 11 bridges transferred to the county. Mr. Hinkle stated that they need to define what "required work" is. Kenny Hale stated that it was strange to accept it without the roads being done. Norman Voyles stated that the upcoming Board of Commissioners should sign the agreement since they will be the ones dealing with it. Mr. Hinkle stated that the roads, with the exception of Myra and Teeters, would be done this year.

MASS GATHERING DISCUSSION

Josh Messmer stated that there are some questions regarding the proposed ordinance and whether some items should be policy rather than part of the ordinance. There is a question about a license and telephones. The application needs to be updated to include a plan on how to limit the number of people and stipulates that any electrical work needs to be done by a licensed electrician. Jim Wisco stated that he is working with the Health Department regarding fees and where the fees would go. The board discussed exceptions to the ordinance and carrying out the requirements. Rich Myers, Morgan County Sheriff, mentioned the requirement for fire protection and stated that the responsibility for inspecting this would fall on his department, Health Department and Planning Department; fire personnel are not mentioned. Mr. Wisco stated that they could include this. Sheriff Myers asked if the final draft could be sent to the various departments for their review before final approval. Josh Messmer noted that the only agency that gives a recommendation is the Board of Health, all other agencies are advisory. The ordinance could be amended to add the relevant fire agency to the distribution list and they could add a non-binding recommendation for the Board of Health to consider. This item will be on the next agenda.

MINUTES

Norman Voyles made a motion to approve the July 20 and August 3, 2020 minutes. Motion seconded by Kenny Hale. Motion carried 3-0.

CLAIMS

Norman Voyles made a motion to approve the August 7 and August 21, 2020 Payroll claims of \$628,309.76 and \$632,731.750; PERF \$56,492.58 and \$57,052.07; FICA \$45,401.76 and \$45,728.45; and monthly claims of \$1,180,827.96 with no holds. Motion seconded by Kenny Hale. Motion carried 3-0.

2021 HOLIDAY SCHEDULE

Norman Voyles made a motion to approve the 2021 Holiday Schedule. Motion seconded by Kenny Hale. Motion carried 3-0.

2021 MEETING SCHEDULE

Norman Voyles made a motion to approve the 2021 Meeting Schedule. Motion seconded by Kenny Hale. Motion carried 3-0.

ADJOURNMENT

Norman Voyles made a motion to adjourn the meeting. Motion seconded by Ryan Goodwin.

Motion carried 3-0.

Morgan County Board of Commissioners



Ryan Goodwin



Kenny Hale



Norman Voyles

Attest:



Dan Bastin, Morgan Co. Auditor