

MINUTES
MONTGOMERY COUNTY COMMISSIONER MEETING
MONDAY, JUNE 28, 2021

The Montgomery County Commissioners met in regular session on Monday, June 28, 2021 at 8:00 am at the Crawfordsville City Building, 300 E Pike Street – 2nd Floor Council Chambers, Crawfordsville, Indiana.

Present were Board members: Board President John E. Frey, Vice President Commissioner Jim Fulwider and Commissioner Dan Guard, Member. Also present Board Attorney Dan Taylor; County Administrator Tom Klein; Auditor Jennifer Andel; Building Administrator Marc Bonwell; E911 Director Sherri Henry; Sheriff Ryan Needham; County Engineer Jim Peck; Highway Director Jake Lough; EMA Director Shari Harrington; Health Administrator Amber Reed; Treasurer Heather Laffoon; Mapping Director Mike Davis; and Commissioners Executive Assistant Lori Dossett.

CALL TO ORDER

Commissioner Board President John E. Frey called the meeting to order @ 8:00 am and led the prayer.

CONSENT AGENDA

Approval of Claims: June 14, 2021 to June 28, 2021

Accounts Payable - \$2,382,605.36; Payroll - \$423,245.73

Approval of Minutes: June 14, 2021

USI Engineering Agreement: Agreement to provide engineering services for the submittal of an application for Community Crossings Matching Grant Funds for road work. Agreement will be paid from the CCD fund and is a lump sum agreement for \$13,000.

John Deere 5-year Grader Lease: Lease Agreement for previously approved lease for purchase of grader.

County H.S.A. Plan Resolution Amendment: Resolution continues current policy regarding testing and treatment for the Coronavirus until the end of the Public Health Emergency.

Commissioner Fulwider moved to approve the Consent Agenda. Seconded by Commissioner Guard. Motion passed 3-0.

PUBLIC HEARING: RZ2021-2 Wiley Connell, LLC

Commissioner John Frey announced that he would be recusing himself from the Public Hearing for RZ2021-2 Wiley Connell, LLC.

Board Vice President Commissioner Fulwider opened the Public Hearing @ 8:01 am.

Commissioner Fulwider announced that the public hearing is not a question & answer session. It is an opportunity for the public to state their opinions to the Commissioners.

Building Administrator Marc Bonwell read the Staff recommendations into the record:

“Staff recommends approval of the RZ2021-2 Wiley Connell, LLC Re-zone request for five parcels from agricultural to industrial with the following conditions:

- 1) Any new Industrial development is required to ingress/egress off of County Road 200 S and use east bound 200 S only to access Nucor Road with no entrance to or use of County Road 200 S west to 250E and no entrance or use of 150 S.
- 2) Drainage Board approval is required for release of storm water or relocation of any portion of the John V. Galey Legal Drain.
- 3) Property owner required to donate right of way on north side of 200 S to Montgomery County in order to facilitate the construction of road improvements to 200 S which are necessary because of development.
- 4) No asphalt mixing plants, bulk fuel storage, fertilizer plants, mineral excavation, Recycling Centers, Recycling Collection Points, Slaughterhouses will be allowed on industrial property.

- 5) No light tress or external public address systems to be allowed on property.
- 6) Minimum 250' setback to property line of any existing residential properties.
- 7) Setback to residential property line can be reduced to 100' with installation of Landscape buffer between any industrial development and residential property lines with 6 feet high with 3/1 sloped berm and 45 feet on center pine plantings on top of berm maintained by owner."

Administrator Bonwell continued that the re-zone request is consistent with the County's Comprehensive Plan which delineates this property as Area 2 in the Key development areas of Montgomery County as part of the industrial use area within the Nucor corridor. On May 26, 2021 th Plan Commission held a Public Hearing and voted to approve the conditions and to send a favorable recommendation for approval to the Commissioners with a 5-3 vote.

The following citizens appeared before the Commissioners and expressed this concerns against approval of the Re-Zone request:

- Burt Rennick – 2697 S 250 E
- Jacob Davis – 2360 S CR200 E
- Scott Stevens – 1877 S Russell Drive
- Cameron Groves – 440 W Peach Tree
- Randy Borden – 2091 E 150 S
- Michelle Borden – 2091 E 150 S
- Chelsey Cagle – 1781 S Connie Drive
- Lyle (?) – 3557 E 200 S
- Dara Boyer – 3139 E 150 S
- (?) Lovall – 208 N 3557 E 200 S

Hearing no further public comment, Board Vice President Commissioner Fulwider closed the Public Hearing @ 8:42 AM

Board President Commissioner John Frey returned to the meeting @ 8:43 AM

Ordinance 2021-21: Ordinance Approving the Request of Wiley Connell, LLC and Rezoning Certain Parcels of Land in the 3200 East Block of County Road 200 South from Agricultural to Industrial

Commissioner Guard moved to approve Ordinance 2021-21. Seconded by Commissioner Fulwider. Discussion Commissioner Guard explained that a motion has to be made in order to discuss the matter. Commissioner Guard continued that the request fits in the comp plan with a focus on the Nucor corridor, access to rail. The proposed development will be good for economic development and to concentrate on the areas outlined in the Comp Plan. Commissioner Fulwider stated that the proposed development falls in the area of growth. Zoning has been described as not protecting landowners, Commissioner Fulwider stated that if the County did not have Planning & Zoning a company could have purchased the property and build without adhering to any standards or conditions. He continued that he appreciates all of the emails received and yes, the emails and letters were read and the Commissioners do listen and take into consideration all of the comments.

Commissioner Frey commented that he does serve on the Plan Commission and also recused himself from the Plan Commission vote on the re-zone request.

Vote: 2 votes in favor, 0 votes against. Motion passed.

NEW BUSINESS

Indiana American Water Agreement:

The Indiana American Water Agreement is an amendment to the current agreement for the extension of a

water line along Nucor Road. The amendment will pay for the engineering services for the next phase of extending the water line to 200 South. The amendment provides for a payment of \$300,000 within 30 days of the execution of the agreement and a final payment of \$350,000 within 120 days of the execution of the agreement. The agreement will also need to be approved by the Redevelopment Commission since the agreement is between the County, the Redevelopment Commission and Indiana American Water. *Commissioner Guard moved to approve the Amendment to the Indiana American Water Agreement. Seconded by Commissioner Fulwider. Motion passed 3-0.*

Underwriter Engagement Agreement – Stifel, Nicolaus & Company, Inc.

The agreement engages Stifel, Nicolaus and Company for bond underwriting.

Commissioner Fulwider moved to approve the Underwriter Engagement Agreement with Stifel, Nicolaus & Company. Seconded by Commissioner Guard. Motion passed 3-0.

ORDINANCES

Final Reading: Ordinance 2021-17: Creating 2021 Problem Solving Drug Court Grant Fund

Commissioner Guard moved to approved Ordinance 2021-17. Seconded by Commissioner Fulwider. Motion passed 3-0.

Final Reading: Ordinance 2021-18: Creating the Immunization and Vaccines for Children COVID-19 Grant Fund

Commissioner Guard moved to approve Ordinance 2021-19. Seconded by Commissioner Fulwider. Motion passed 3-0.

Introduction: Ordinance 2021-19: Creating the 21/22 PSC Vet Court Grant Fund

Establishes a new fund for a \$10,000 grant for the Veterans Court for travel/training, incentives, chemical testing, participant transportation, treatment and emergency housing.

Introduction: Ordinance 2021-20: Creating the Veterans Treatment Court Grand Fund

Establishes a new fund for a \$52,065 grant for the Veterans Court to pay a portion of the salary and benefits of a program coordinator.

OTHER BUSINESS

Commissioner Guard stated that Tox Away Day is Saturday, July 10, 2021 from 8am to 1pm @ North Montgomery High School.

Commissioner Frey commented on his alleged conflict of interest in the Willey Connell property. He stated that his daughter is married to Mr Willey's son and that he has no financial interest in the property.

ADJOURNMENT

There being no further business before the Board, *Commissioner Fulwider moved to adjourn. Commissioner Guard seconded. Motion passed 3-0.*

Meeting adjourned at 9:01 am.

Minutes prepared by Commissioners Executive Assistant Lori Dossett.

The next regular meeting will be held on Monday, July 12, 2021 @ 8:00 am at the Montgomery County Courthouse.

MONTGOMERY COUNTY BOARD OF COMMISSIONERS:



John E. Frey, Board President

Attest:



Jennifer Andel, Auditor