

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD October 12, 2021**

Comes now the hour of 8:30am. on the 12th day of October, 2021 in the Commissioners Room in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a regular session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President
Anita Hess, Vice President
Dave Dolezal, Member

Also present were:

Jacqueline L Knafel, County Coordinator
Dennis Graft, Noble County Attorney

Gary Leatherman, Commissioner President, called the meeting to order at approximately 8:30am.

CORRESPONDENCE

- Treasurers Monthly report – month of September 2021 duly entered

MINUTES

Minutes of the previous meeting were read and approved as written with a motion from Anita Hess and a second from Dave Dolezal. Motion carried 3-0.

CLAIMS

Regular claims dated 10/11/2021 were reviewed by the commissioners. The 13-page report totaled \$281,171.72 and was approved pending information for claims from one of the judges. Dave Dolezal made the motion and Anita Hess seconded. The motion carried 3-0. Judge Kramer came down to the commissioners meeting to explain that the gas claim was not for Florida but was for a place in Ohio.

Misc. claims were also reviewed. This 4-page report totaled \$412,955.65 and included jury claims and utilities. Motion to approve the claims came from Dave Dolezal. Anita Hess seconded and the motion carries 3-0.

PAYROLL

Payroll dated 10/07/2021 was reviewed by the commissioners. The 4-page report totaled \$427,014.45. Dave Dolezal moved to approve the report with a second coming from Anita Hess. Motion carried 3-0.

HEALTH DEPARTMENT

The Health department had contacted Jackie about a claim that was over the \$500.00 limit. This was for specialty envelopes that were purchased for permits to the food establishments in the amount of \$787.50. Motion to approve the purchase over \$500.00 came from Anita Hess. Dave Dolezal seconded. Motion carried 3-0.

REGION 3-A

A Community Development Block Grant sub-recipient agreement was received from Sandra Tamez from Region 3-A for commissioners' signatures. County Attorney Dennis Graft reviewed the document and the signing was approved with a motion from Dave Dolezal and a second from Anita Hess. Motion carried 3-0.

BUILDING TEMPERATURE SOLUTIONS LLC

The BTS contract had been received by Tim Lock for the courthouse, Annex and Jail for the service agreement. After speaking with Tim by phone, the commissioners signed the contract with a motion from Anita Hess and a second from Dave Dolezal. Motion carried 3-0.

HIGHWAY

Richard Rogers, Highway Superintendent, was present to provide an update on construction at the highway department:

- Richard has a driveway variance for approval for Cary on Baseline Road. He is reported a shortage of sight distance of 180 ft but indicated that this is the best possible location for the drive. Motion to approve the variance came from Anita Hess and was seconded by Dave Dolezal. Motion carried 3-0.
- Another driveway variance was requested by Hilton on 400 S in Washington Township. This too was in the best possible location but was 160 short on sight distance. Motion to approve this variance came from Anita Hess and was seconded by Dave Dolezal. Motion carried 3-0.
- The last variance was for Lortie on 50 W and was for a 2nd drive on the same parcel. Motion to approve this variance came from Anita Hess. Dave Dolezal seconded and the motion carries 3-0.
- Ditching and berming continues as the department prepares for the spring construction.
- Debrushing has started as weather permits in the 4 middle townships.
- Richard reported that the crews dealt with a lot of water issues on Friday the 8th of October when the county received around 4 inches of rain in spots. He indicated that all water had receded except for one location within 24 hours.
- Richard reported that the department was having a few issues with the gradall and the loader. They had a quote for parts in the amount of \$19,415.00 and will be doing the repair work in house. Motion to purchase the parts came from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

Zack Smith, Highway Engineer, had the following engineering business to share with the commissioners:

- With the approval to add an Assistant Superintendent to the department, Zack had revised the "chain of command" format for the department and shared that document with the commissioners.
- HMA 1 – Zack reported that this project is nearly completion.
- Zack presented the Bridge Asset Management plan which was completed after the recent Bridge Inspection report was received. Zack again talked about the revenue for bridges and the difficulty in meeting the requirements when funding was not there. He talked about the increased percentage of CCD funds, wheel and sur tax increases and even CEDIT funds as possibly solutions to the funding problem.
- 400 N – Zack reported that 13 of the 17 parcels have now been secured for right of way. He also has an LPA voucher for right of way services in the amount of \$41,366.19. Motion to approve the LPA voucher came from Dave Dolezal and was seconded by Anita Hess. Motion carried 3-0.
- Bridge 136 – Zack has a contract amendment for the right of way services on this project. Additional money has been received for right of way purchases. Motion to allow Zack to sign the agreement once approved came from Dave Dolezal and was seconded by Anita Hess. Motion carried 3-0.
- Baseline Road – this project is moving along. Zack reported that the highway crews moved in after October 1, 2021 for the tree removals and was done in about a day and a half.
- Ball Road – Preliminary Field Check is scheduled for 10/21/2021
- Bridge 134 – the preliminary field check for this project is scheduled for 10/18/2021.
- Old State Road 3 – Zack reported that this will be a huge project and will go after federal funding. FMIS has been submitted.
- Baseline road improvement from 600 E to Old State Rd 3 – Soil boring is complete and the project is under development.
- Little Long/Round lake project – Final plans are being submitted for a spring start on this project.
- Steve Myer a resident of the county was present to request that a reduced speed sign due to a sharp curve at his residence. He indicated that he was concerned that someone would miss the curve and hit a tree or stones at his residence and he would get sued. Gary and Dennis assured Mr. Myer that if the trees and stone were outside of the right of way and on his property that he would not be liable. Richard will go out to his residence and make sure that all is outside of the right of way and discuss signage further with him.

ANNEX

Zack Smith, Project Manager, updated the commissioners on the new annex:

- Work continues on the finalization of the FFE project

- The misc. items – wiring computer lines etc. continues. Zack reported that the IT department has been very helpful in making sure these items are complete.
- Construction continues both inside and out with a multitude of contractors on sight.
- The Lobby feature which is a historical map of the townships in Noble County is being planned and the kick off meeting with artist is coming up.
- Dave Dolezal talked to Zack about maybe some custom furniture for the commissioner's room as well as the lobby. Discussion continues.
- Courthouse Renovation – the commissioners signed a standard AIA document with American StructurePoint for the design process for the courthouse. Motion to sign the document came from Dave Dolezal and was seconded by Anita Hess. Motion carried 3-0.

CHILDREN FIRST CENTER PRESENTATION

A representative from Children's First was present to introduce the commissioners to the services provided by this organization:

- Parenting skills – this is a home-based casework service provided and in collaboration with the DCS Family Case Manager.
- Supervised Visitation – The center has three family friendly visitation rooms on site where parents and children can interact in a safe and structured environment
- Therapeutic Services
- Family Preservation Services – the main goal of most everyone is to keep a family in tact and avoid removal of the children unless it is absolutely necessary for their safety. This provides instructions and treatment plans to make that happen.
- Community Partners – this service provides assistance for financial situations as well – housing crises, evictions, job loss etc.....
- Healthy Families – this is a program for prenatal through 3 years of age and encourages positive parent – child interaction and activities as well as parenting skills.
- This program is funded through federal and state dollars as well as a lot of grant writing, United Way, Dekko Foundation, and fund raisers.
- The facility has 29 employees - 5 part time and 24 full time employees.
- The goal of this group is to looking out for the safety of all children.

LANDFILL

Information had been received from Derek Faulk from Wilcox Environmental Engineering saying that IDEM had approved the work plan for Applied Natural Sciences. Agreements were reviewed and discussions were had concerning the best way to proceed. ANS's work plan will be to bore the holes for the trees this fall with planting to occur in the spring. Anita Hess moved to sign the "work authorization" and "agreement" with ANS. Dave Dolezal seconded the motion. Motion carried 3-0.

Discussion was also had concerning Wilcox services provided to oversee and monitor testing requirements made by IDEM through the process. Gary contacted Derek by phone and he will be sending a revised Wilcox agreement for signature.

Recess until 1:30 pm this afternoon.

In session 1:30 PM Dekko Room South Complex

SOLAR UDO AMENDMENTS

The commissioners continued their regularly scheduled meeting at this bigger location due to the interest in this particular issue. Gary Leatherman, Anita Hess, and Dave Dolezal along with Attorney Dennis Graft, Teresa Tackett, Plan Director, George Bennett, Plan Commission Board President and Jackie Knafel, County Coordinator were all present along with many concerned citizens (list within packet).

The first certification before the commissioners was a residential / business solar ordinance of less than 40 KW for the purpose of the generation of electricity to meet or offset all or part of the electrical need on the premises. There were no comments either for or against this ordinance and with that Dave Dolezal moved to approve that ordinance. Anita Hess seconded and the motion carried 3-0.

The next order of business was the Commercial Solar Energy System overlay district ordinance.

Teresa Tackett reviewed the ordinance and summarized different part of the ordinance that was before the commissioners for approval. Teresa explained that the plan commission board has chosen this to be an overlay rather than a rezoning so that when the solar farm decommissions the ground will be returned to the original zoning.

Gary Leatherman told the group that this a public hearing to address the solar issue if it does come to Noble County and to do what is best for all the residents of Noble County. The commissioners will allow as many speakers as can fit into a 20-minute window opposing or proposing the solar issues.

Opposed – a spokesman on behalf of a group of citizens, Jason Kuchmay, Attorney out of Fort Wayne, provided a handout to the commissioners with information gathered from several resources. He has represented a group of citizens opposed to solar farms in many different counties. Mr. Kuchmay, indicated that the ordinance before the commissioners was a good thing which would set the standards for this type of development in Noble County instead letting the state come up with the standard in a 'one size fits all' ordinance. However, for the protection of those opposed to the solar farms he suggested some items that would help protect their interest as well:

1. Jason showed evidence that property values do decrease in a 1-3 mile radius of a solar farm the closer to the farm the more negative impact it has. He is suggesting an assessed value guarantee which would result in the company paying the difference in assessed value when and if a negative impact occurs.
2. Setbacks --- the ordinance currently calls for a 300 ft setback from a residence and 50 ft from a property line. He gave examples of surrounding counties that varied from 300 to 650-foot setbacks. His thought for non-participating home owners with small partials would be 500 ft setback and 100 ft from property lines.
3. Another suggestion that he had was that the application have a lot of detailed information in it and that a unbiased professional firm be hired (at the expense of the solar company) to review and work with the plan commission board prior to approval
4. Fire safety was another area of concern - if a fire occurred is their room within these fields to maneuver fire equipment and with fencing how does that work?
5. Decommissioning was his last topic of – Mr. Kuchmay feels that the cost of decommissioning these fields should have a cost estimate review every 5 years to keep the cost up to date and should be specific that in a decommission situation the site and soil is returned to its original state.
6. Agricultural situation – should this type of construction be isolated to non-productive ground rather than using good producing farm ground.

Emily Williams, a representation from Greenex, spoke next in support of the project. She directed most of her comments to disputing the comments made by Mr. Kuchmay.

1. The assessed values – she indicated that it was one study and that an assessed value guaranteed is not recommended as a decrease in assessed value could be due to things other than a solar farm in the area.
2. They feel that the 300 ft setback is more than sufficient for these farms and asked what a property owner is to do with the ground around the solar field with so much setback.
3. She was in complete agreement with unbiased professional reviewed the application however did not offer a suggestion that this be at the solar company's expense.
4. Decommissioning – Ms. Williams indicated that all parts of the solar panels can be recycled but did say that it is much more expensive to dismantle and recycle than it is to take to an accepting landfill.
5. Lastly, she indicated that the use of a property owners land should be up to them to use as they want whether it be productive or non-productive farm ground.

Also, on behalf of this type of commercial venture, Gary Gatman from the EDC indicated that this would be bring in a great deal of money to Noble County and offered up some things of which this money could go for.

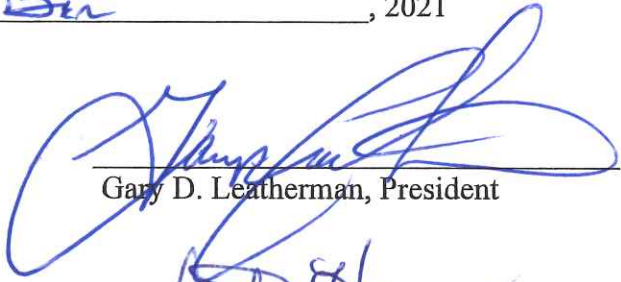
As far as Resolution Number 21-02 Amendments to the UDO for Commercial Solar Energy System over lay districts, Dave Dolezal moved to reject the amendments as written and send it back to the Plan Commission Board, Anita Hess seconded and motion carried 3-0.

As for recommendations that will need to be given to the board, Anita Hess moved to table that discussion but to have those recommendations to Teresa Tackett by the next plan commission board meeting. Dave Dolezal seconded the motion. Motion carried 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 3:00 PM recessed from day to day until October 25, 2021

Dated this 25th day of October, 2021



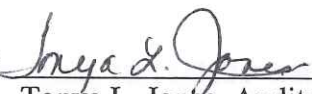
Gary D. Leatherman, President



Anita Hess, Vice President



Dave Dolezal, Member

ATTESTED: 
Tonya L. Jones, Auditor 