

Randolph County Commissioners

July 24, 2020

The Randolph County Commissioners met at their regular meeting at 9:00AM in the Commissioners and Council Room in the Courthouse with the following members present: Board President Michael Wickersham, Tom Chalfant and Gary Girton. Also present was Randolph County Auditor Laura J Martin, Sheriff Art Moystner and County Attorney Meeks Cockerill.

Michael Wickersham, President presided over the meeting.

Pledge of Allegiance

Solar Ordinance

Mike said the first thing on our agenda is our Solar Ordinance which I understand was acted upon Wednesday night by the Area Planning Commission which has given the solar ordinance a favorable recommendation. Have you reviewed the ordinance Meeks?

Meeks said I looked at it.

Mike asked if everything from a legal standpoint looked good.

Meeks said I think so.

Mike asked do you like it Tom.

Tom said most of it.

Mike asked Gary do you have any thoughts on it. You are on the Area Planning Commission; did you vote to recommend it.

Gary said yes.

Mike said it being recommended to us, is there anyone here that would like to share anything about the solar ordinance prior to us acting on this ordinance.

Julie Borgmann, I am the executive director Redtail Land Conservancy. We had given comment to the Area Planning Commission in the drafting of the ordinance, we are very supportive of the language regarding the native grasses and wildflowers that support our pollinators to be planted as the ground cover and so my comments were given at the Planning Commission, but since that time I have also gotten letters of support from Purdue University and also from Pheasants Forever and if you are interested, I would be happy to read those letters into

the record further supporting keeping that language as it is in the ordinance to support the 100% coverage.

Mike said my intent would not be to change that language, I'm not sure about the other two Commissioner's.

Tom said I'm not sure I understand....

Mike said it is pretty broad and subjective as I read it and I think our current developer had offered a 10% pollinator, which I thought was a pretty good compromise to the original 20%, of course I'm raised with the question and I'm a city guy, I don't know how much pollinators is in 1400 acres of corn.

Tom said corn pollinates, one stock of corn can pollinate probably 100 acres of seed.

Julie said corn is self-pollinating by the wind.

Tom said I don't know how much bees can use corn pollen.

Mike said that is my question, it seems to me that native grasses and pollinators that were talking about would be something that might be an improvement for the wild life over a corn field. Am I fair in that assessment?

Julie said exactly.

Mike said I think then starting at a base anything they plant from that respect would help the wild life and the bee population in its reproduction as apposed to corn fields out there. That is where I thought the 10% was a good thing.

Julie said it is a start but looking at what this could do for your entire community over 30 years, this is what is going to take place, 10% is A, I think is part of an ordinance is also thinking through, how do you enforce it. How do you enforce that there is 10% there and is it 10% spread throughout the whole project or is it one little corner, so it makes it very difficult to enforce and then over the long run using the native grasses and wild flowers is actually best practice and actually reduces cost in the long run of the project, because you only have to mow it once a year? So instead of having grass, only 10% and gravel you now have a project spanning across your community that not only beautifies it but also improves the overall environment of the area. There's a project going in, in Newton County that is going to be 7000 acres and it is 100% native grasses and wild flowers at the companies request because they are now seeing as they do more and more projects that in the long run, not just in the initial but in the long run it's the most cost affective thing to do as well as the public relations for the Community and the people that have wild flowers and something that's beautiful instead of solar panels and grass. So, I had that additional information if it was something you would want.

Mike said if you want to e-mail that to me, I'd be happy take a look at it.

Julie said yes, I would be happy to do that. I just wanted to come again and voice our support for the current ordinance.

Mike said any other comments from the public.

Chris Beasley said I just wanted to say we appreciate the opportunity to work here in Randolph County and the opportunity to review the ordinance and work through it with you guys. We support the solar ordinance and were comfortable with developing with the current language.

Mike said thank you, I appreciate that. EDPR has been a good partner to the community and I look for that to continue.

Tom said can somebody explain exactly what that language means that they plant pollinator's and native grasses, because it is scary to me, its almost a taking when we require a landowner to do certain things, what is to prevent the county from telling other land owners they need to do this too on 10 or 20, or everybody's yard has to have 10 or 20% pollinators.

Mike said the process that this ordinance went through, could very well prevent that or it could allow that. It's the process of zoning requirements.

Tom said it was a very poor process in my way of thinking. The way it was done, the waste of time and effort. I am concerned about people's property rights and the counties obligation, when we require land owners to do things and there are adverse effects to these good intentions. The county becomes liable, we are probably going to be liable for a law suit of some other issues that the Area Planning Director got us involved in. I'm just disappointed in this whole effort. The length of time it took and the unnecessary discussions.

Mike said are we talking about page 12 subparagraph b of 19-7-1-3. A natural vegetative ground cover shall be maintained under and around the solar arrays. Only non-invasive species shall be used and native species are recommended. In interest of protecting pollinators seed mixes consisting of native meadow grasses and pollinator-friendly wildflower forbs and/or clover species shall be used in consultation with a USDA Farm Bill biologist or local Soil and Water Conservation District professional on the area under and around the solar arrays. Maintenance shall include eradication of all noxious weeds and plants prior to the weeds seeding and spreading.

Tom said I know they are going to make the best effort to do those things and hopefully that doesn't require us to be involved. I guess it gets enforced like the rest of the noxious wee laws, which very seldom get enforced.

Mike said when it says consultation, I would think that the developer would consult and discuss and set up a plan and that plan you would hope might answer Julie's concern as to is it all going to be right here, is it going to be spread throughout and have the opportunity to spread itself. When I read it, I thought it was a pretty good compromise.

Tom said it is a compromise, it is much better than it was, requiring a certain percentage.

Mike asked Gary do you have anything to add.

Gary said I thought that part and the lady from EDPR brought forth some good comments in reference to she was interested and the company in general was interested in doing as much as they can. They just weren't sure at this stage what plants, what seed ratio and so on they were going to use but they were going to work with those people in order to come up with that. That's not to say they wouldn't be putting in 30%. They are just trying to do what they could for this community and make things as attractive and control the weeds as best they can and so on, so I thought overall our discussion throughout the two or three meetings we had was productive and I thought we came up with a good conclusion. I think it's adequate at the present time and that's not to say that when you guys as a company finish, that you are not seeing 30 or 40%. That is not something that you have to do, but its not saying you won't based on what you find when you get into developing the site. I thought that was a good compromise. As far as the development of this ordinance, I think, I didn't get to attend every meeting of the committee but I attended a lot in fact I think I only missed two and there was a lot of material brought up but I think that was the responsibility of the committee and the responsibility of Area Planning. They're responsible for looking out for all of the entities and the public involved in this and so there has to be a lot of discussion to come up with what we thought was the best ordinance working with the committee members, the board members, APC, EDPR and with a couple of other companies that were involved with the discussion. It did take time to do this as I think it should in order to look at the issues and discuss them as those that were there with the committee, there was a lot of discussion and disagreements, added to and subtracting from this ordinance as we started out. I think Randy did a good job of researching and bringing forth different options. Area Planning is responsible for looking out for EDPR, other companies, the farmers, the land owners, residence in the community, the residents in the county.

Tom said he is way to far reaching in his language.

Gary said I don't agree.

Tom said I know you don't and our job as executives is to lead and direct the people that we are working with and liaison and we need to lead and direct them and not let them get lost on waste management plans and tell them that they need to put signs on the truck a year and half after we have asked him to do it.

Gary said they weren't lost in their discussions.

Tom said we need leadership Gary.

Gary said that was your opinion but I don't think, what did you do to try to help lead them.

Tom said you are the liaison, I went to the committee meetings, I listened to Randy say, we have 47 pages here and they are coming, they are making \$15,000,000 profit a year, we can make them do this and more. That is what Randy said in one of the meetings you weren't at. To me that is not appropriate.

Gary said I'm not saying that is, but the discussion that I was involved in I thought was appropriate because we were looking out for everybody not just for one or two.

Mike said and ultimately, we have got a solar ordinance that is acceptable to me and I think it is acceptable to Gary, it sounds like it is acceptable to the developer that is here. Our one commenter this morning, it was acceptable to her and it's somewhat acceptable to you.

Tom said yes.

ORDINANCE NO. 2020-07

AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING ORDINANCE OF RANDOLPH COUNTY, INDIANA

WHEREAS, the Area Planning Commission of Randolph County, Indiana, has recommended that the text of the Unified Zoning Ordinance of Randolph County, be amended;

WHEREAS, the Area Planning Commission of Randolph County, Indiana held, pursuant to notice, a public hearing in the Commissioner's Room of the Randolph Center for Family Opportunity, Winchester, Indiana on July 22, 2020 on the proposal to amend the text of the Unified Zoning Ordinance and has, by vote, made a Favorable Recommendation to amend the text of the Unified Zoning Ordinance of Randolph County, Indiana in a manner consistent with Proposed Amendment 2020-2-A which is attached hereto as Exhibit A;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF RANDOLPH COUNTY, RANDOLPH COUNTY, INDIANA that the text of the Unified Zoning Ordinance of Randolph County, Indiana be amended in a manner consistent with Proposed Amendment 2020-2-A which is specifically set out in Exhibit A, which is attached hereto, incorporated herein by reference and made a part of this Ordinance.

Mike said unless there is more to be said about the issue, I think we probably should move forward and take action. What I would like to do is entertain a motion to pass ordinance number 2020-07 AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING ORDINANCE OF RANDOLPH COUNTY INDIANA after it's first reading by title only and prior to that motion, I think we need to for the record indicate that we have received a certification letter from the Executive Director of the Area Planning Commission that indicates that this ordinance has received a favorable recommendation of the Area Planning Commission of Randolph County and has attached a copy of that ordinance to that certification letter and has

also attached documents showing that it did receive a favorable recommendation and a recommendation that voted 7 yes, 2 no, 0 abstentions and 4 members were absent. It is a 13-member board and it takes 7 yes votes to give it a favorable recommendation which that was received. So, with that being said I would entertain a motion that I offered prior to that.

Tom said so moved.

Mike said I have a motion to approve Ordinance number 2020-07 AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING ORDINANCE OF RANDOLPH COUNTY INDIANA do I have a second.

Gary seconded.

Mike said all in favor of the motion signify by saying aye.

All aye votes. Motion passes unanimously.

Gary made a motion to suspend the rules and have the second and third reading by title only and approval of Ordinance number 2020-07 on this day by title only.

Mike said I have a motion to suspend the rules which we can do since we are all here and we had a unanimous vote. Do I have a second to that motion?

Tom seconded.

Mike said I have a motion and second, so all in favor to suspend our rules and act on Ordinance number 2020-07 AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING ORDINANCE OF RANDOLPH COUNTY INDIANA, all in favor signify by saying aye.

All aye votes. Motion carried.

Mike said at this time I would entertain a motion to adopt Ordinance 2020-07 by title only.

Tom said so moved.

Mike said I have a motion to adopt Ordinance 2020-07 AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING ORDINANCE OF RANDOLPH COUNTY INDIANA by title only. Do I have a second?

Gary seconded.

Mike said all in favor of adoption of Ordinance 2020-07 signify by saying aye.

All aye votes. Motion carries.

Mike said Ordinance number 2020-07 AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING ORDINANCE OF RANDOLPH COUNTY INDIANA is now adopted. We have a Solar Ordinance.

Meeks asked Laura to send him a copy of the signed ordinance.

Laura said I will send it to all of you.

Other Business:

Appraisals for the southern tower location

Meeks said he just need approval to higher Matt and Andy to get those appraisals done and they are going to coordinate with Ceann to get that done.

Mike said that is the E911 tower location that we are buying off of Country View Farms and we need an appraisal in order to buy that, so you find a couple of appraisers that are willing to do it and I would entertain a motion to authorize the hiring of two appraisal to get a value on that property.

Gary said so moved. Tom seconded. All aye votes. Motion carried.

Health Department Grant

Mike said if you recall we took care of this on Monday morning and there was some question that it might be modified and they have now found that they can ask for up to \$100,000.00 to provide the testing site as opposed to \$50,000.00 and so they are going to go ahead and request the \$100,000.00. We are being asked to approve that request. I would entertain a motion to approve the Health Departments request.

Tom said so moved. Gary seconded. All aye votes. Motion carried.

Meeks Cockerill

Meeks said can we get an executive session to discuss some pending litigation concerning Cripe. Maybe before your next meeting at 8:45 am.

Mike said that will be on August 3rd.

Meeks said I would like to talk about that.

Mike said let's do 8:30 am on August 3, Executive Session.

Christopher Bilbrey

Christopher Bilbrey said is nobody ashamed here that you guys did this in the middle of the day when your constituents couldn't be here to voice.

Mike said I'm not.

Christopher said I didn't figure you would be.

Mike said any other comments.

Christopher said you should be ashamed.

Mike said I can say that we have been talking about this Solar Ordinance for a year and a half and there has been several public hearings and public meetings when our constituents could be here and we have not had that many of them here, but they have come out, those that are interested. We had one that was interested here today, there was proper notice been put in the paper and there was a full session at the Area Planning Commission Wednesday night which several people were there and I'm sure comments were taken. Any other comments. Hearing none I would entertain a motion to adjourn.

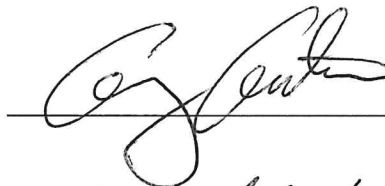
Adjournment

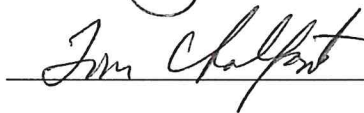
Tom made a motion to adjourn. Gary seconded. All aye votes. Motion carried.

Reviewed and signed this 19 day of October, 2020.

RANDOLPH COUNTY COMMISSIONERS







ATTEST: Laura J. Martin
Laura J Martin, Auditor of Randolph County