

**COUNTY COMMISSIONERS
REGULAR SESSION
July 5, 2022**

The Grant County Board of Commissioners met in regular session on July 5, 2022, at 10:00 a.m. in the Grant County Complex Council Chambers located at 401 South Adams Street, Marion, IN.

In attendance were Commissioner Mike Burton, Commissioner Steve Wright, Commissioner Mark Bardsley, Auditor Jim McWhirt, County Administrator/HR Director Justin Saathoff, and Financials Deputy Stacey Stevens.

Commissioner Bardsley called the meeting to order at 10:00 a.m. Commissioner Bardsley led in prayer. Commissioner Wright led the Pledge of Allegiance.

PREAPPROVED CLAIMS

June 27, 2022: General: \$90,154.35
 Other: \$68,398.16
 Highway: \$78,007.64
 TOTAL: \$236,560.15

Single claim approval: AT&T \$2,458.06, \$1,808.12, \$7,221.80 = \$11,487.98. Preapproval was given on June 23, 2022.

Star Financial \$4,731.20 and Staples \$219.20. Preapproval was given on June 17, 2022.

Commissioner Burton made a motion to formally ratify the preapproved claim dockets as presented. Seconded by Commissioner Wright; motion carried 3-0.

CLAIMS

July 5, 2022: General: \$316,920.33
 Other: \$113,761.84
 Highway: \$182,914.25
 TOTAL: \$613,596.42

Commissioner Wright made a motion to approve the claim dockets as presented. Seconded by Commissioner Burton; motion carried 3-0.

PAYROLL

Payroll #13 carried a gross total of \$524,130.30. Formal preapproval was given on June 22, 2022 and paid out on June 24, 2022. Commissioner Burton made a motion to ratify preapproval of payroll #13 as presented. Seconded by Commissioner Wright; motion carried 3-0.

MINUTES

Minutes from November 15, 2021, December 6, 2021, and December 20, 2021 were presented. Commissioner Burton made a motion to approve as presented. Seconded by Commissioner Bardsley. Commissioner Wright abstained; motion carried 2-1 (abstention).

Receipt of Monthly Report

The monthly report from Weights & Measures dated 5/16/22 to 6/15/22 was presented. The Commissioners received it by common consent.

Receipt of Annual Report

The annual report from Weights & Measures dated 6/16/21 to 6/15/22 was presented. The Commissioners received it by common consent.

Board Updates

1. EMA Director Bob Jackson gave a COVID update. In June, the county saw a doubling of the number of reported cases. This makes three (3) months of increases in a row. The positive side of this news is that hospitalizations do not seem to be long term much any longer. Vaccinations and testing are still available free of charge at the Health Department and will continue through the end of the year. There are a lot of cases not being reported because of home testing.

Mr. Jackson reported that the county is under another heat advisory from now through the end of the week. The heat index is expected to be 105 degrees. A cooling center is at the Grant County Rescue Mission (423 S Gallatin Street).

2. Commissioner Bardsley proposed appointing Commissioner Wright to the Economic Growth Council, the Area Plan Commission, and the Central Indiana Solid Waste District. The Commissioners gave unanimous consent to confirm these appointments.

IT Report

1. IT Director Marcus Elliott presented a quote from Blackwood and Okta for a 2-factor communication system that would secure the county's servers and firewalls. Director Elliott recommended Okta, as their quote included training, at \$59,607.75. Commissioner Bardsley requested a list of vendors and individuals that have access to the county's IT systems. Administrator Saathoff requested to run the 2-factor proposal by the county's liability agent at IMG and have the agreement reviewed by the county attorney. Director Elliott would like to have this purchased sometime in September or October. Commissioner Bardsley requested Director Elliott bring back more information to the July 18 meeting.

Highway Report

1. Superintendent White stated that Highway has started working on the bridge on 100 East, between 200 North and 250 North. This is the bridge that has been closed for approximately two years. This is a 120-day closure.
2. Superintendent White received two quotes on building a new storage facility at the Highway Department. These are just construction quotes. Concrete quotes will be separate. The building will be 72 feet wide and 168 feet long, with a lean to of 168 feet on the north side and 20-foot in width. Ernest Schwartz Construction of Monroe Indiana gave a quote of \$131,786.00. Fairmount Builders out of Fairmount gave a quote of \$305,000.00. Both quotes are good for 30 days.

Superintendent White stated that he does have the funding for the project, but transfers will need to be made. Superintendent White estimated the concrete to be around \$50,000 to \$75,000. Commissioner Wright stated that he would like to table this until the next meeting to give him a chance to go look at the area and explore the Highway Department as a newly elected official.

3. Superintendent White requested to set August 1 for bid opening on bridge #789. This county received a Community Crossings grant for this bridge. The Commissioners gave their consent for August 1 for the bid process.

OLD BUSINESS

1. Solar Ordinance Consideration - Mark Bardsley, Commissioner
Commissioner Bardsley stated that today the solar findings will be presented and the Board of Commissioners will review and vote on the proposed ordinance. The ordinance was received by the Board of Commissioners on April 18. The deadline to vote is July 17 (90 days). If the legislative body rejects or amends the proposal, it shall be returned to the Area Plan Commission. According to state law, if the ordinance is not adopted today, it will go back to the APC for approval or rejection. The Commissioners then have another 45 days to reject or adopt. Commissioner Bardsley read his findings as follows:

Findings Regarding Area Plan Commission's Solar Farm Certified Ordinance Recommendation June 30, 2022

History:

January/February 2021 - Commissioners discussed potential state legislation that would have been adverse to local home rule regarding solar energy. This sparked concerns of an ordinance being enacted prior to July 1, 2021. The Indiana state legislature backed off pushing mandatory regulation to recommended legislation which allowed Grant County to begin a dialogue on solar energy systems.

Following the October 18, 2021 commissioners solar summit meeting, and four plus months of research developing discussing with department heads (Highway Department, Drainage Board, Area Plan, Emergency Management Agency, Etc.), and four separate drafts; draft four of the Grant County Solar Ordinance was sent to area plan commission for review and recommendation by the commissioners. At that time the ordinance was considered 90% complete with some loose ends to tie up. This particular ordinance for consideration reviewed 32 counties and averaged their requirements.

February 2022 APC meeting did not have quorum. Commissioner's Ordinance draft was set aside by the APC on March 7, 2022 with no apparent review or discussion to its content.

The APC held two solar workshops, since taking over the solar ordinance review. The board of zoning appeals has been very influential in the APC decision although the BZA has no authority regarding ordinance adoption or recommendations. State law states the BZA has no place in ordinance development and infers separation of powers.

Area Plan conducted the public hearing regarding solar on April 4th, 2022 following a

cumulative six months of discussion the APC set aside the commissioners proposed ordinance. The APC chose to recommend to the commissioners an ordinance provided by Mr. Ed Hartman, BZA Chairman, without any public review of the proposed ordinance or conversation with the lawyer that drafted the proposed ordinance for Mr. Hartman. This ordinance now referred to as draft seven or certified ordinance recommendation was voted on without ever being publicly reviewed by APC.

The Board of Commissioners received certification of the proposed ordinance on April 18th, 2022. The Board of Commissioners are required to act within 90 days (by July 17th, 2022) or said ordinance becomes effective without their action.

Throughout the course of the solar discussion I have heard testimony at the solar summit, APC meetings, Educational Summit, Drainage Board. I have had discussions with those on both sides of the ordinance issue. I have received data, letters and phone calls. I present these findings to Grant County Board of Commissioners for review and discussion as we consider the proposed solar ordinance recommended by the Grant County Area Plan.

Findings:

1. Indiana Code 36-7-2-8 solar energy systems-reasonable restrictions Sec. 8 (b) a unit may not adopt any ordinance which has the effect of prohibiting or of unreasonably restricting the use of solar energy systems other than for the preservation or protection of the public health and safety. (c) ... It is the policy of this state to promote and encourage the use of solar energy systems and to remove obstacles to their use.
2. Grant County currently has 4 solar farms that have been established without regulation or ordinance.
3. The proposed ordinance was initiated from the President of Grant County Board of Zoning Appeals (BZA) which is outside the scope of its judicial nature. Further, an attorney was consulted and did preparation work on a Grant County proposed ordinance, but did not meet or discuss with BZA nor APC.
4. There was no discussion of the proposed ordinance by the APC members prior to the vote. See video of APC meeting dated April 4th, 2022 on YouTube at "Grant County Government". Several questions asked during the Public Hearing were not addressed/answered.
5. Current ordinance provides less definitions than draft number four. We should not leave any issue to speculation but define these issues as specifically as possible. The definitions need to add depth as they give clear concise information.
6. The APC certified document eliminates the concept of major/minor solar farm energy systems. It appears that the APC's intent is to intentionally require Variances for Minor Solar over 5 acres from the start. There must be residential, minor and major designations based on personal (residential) and/or small enterprise use. The current proposal would curtail or eliminate Minor Solar Economics. Current solar farms in Grant County include three of four that are larger than 5 acres. This would add Annual Fees for Minor Solar Farms over 5 acres. Again, best practice, is that you don't write an ordinance that will knowingly require variances from that ordinance from the start.
7. Road use agreements, economic development agreement, decommissioning agreement and liability insurance should rest with the commissioners based on the

fact commissioners represent all of Grant County in legal actions.

8. Areas in current form of this ordinance are ambiguous where previous drafts were specific on requirements. Specifically Department Heads are not brought in for review.
9. The unique individual characteristics of each solar farm energy system presents a compelling argument that each application be treated on its unique situation size, terrain, drainage resources and the local community it affects. Each project should not be assumed to be a "one-size-fits-all" philosophy.
10. With regard to property value guaranteed agreements, the State of Indiana deemed such legislation unreasonable and was not included in state guidelines for solar farms.
11. The key issue in this ordinance issue is the effective protection of both sides of property rights. Constitutional rights regarding property rights would include the property owner's right to utilize their land as they see fit based on reasonable regulation.
 - a. Regarding setbacks, the 1320 ft setback requirement is the most restrictive in the State. The current Purdue University "Snapshot" for renewables, based off 46 current Indiana Solar Ordinances shows a Median setback of 200' from Non-Participating Dwellings and 50 ft Median Setback from property lines. It could be noted that the 1320' setback would also negate minor solar (again, unless they get a variance), more proof that there must be Minor & Major Solar or Lesser Setbacks.
 - b. Regarding "Municipal Setbacks," this setback negates minor solar over 5 acres inside of Incorporated Areas.
12. National corporations in our community anticipate green energy will be a part of local initiatives or they will seek other communities for future development. This could have major effect on employment. See:

Corporations Missives for Renewables:

- Walmart 100% Renewable Energy by 2035 (50% by 2025)
 - <https://corporate.walmart.com/newsroom/2020/09/10/walmart-and-schneider-electric-announce-groundbreaking-collaboration-to-help-suppliers-access-renewable-energy>
- General Motors 100% Renewable Energy by 2035
 - <https://www.gm.com/stories/renewable-energy-sustainable-strategy>
- Huhtamaki 100% Renewable Energy by 2030
 - <https://www.huhtamaki.com/en/media/media/press-release/2022/huhtamaki-signs-a-virtual-power-purchase-agreement-in-the-united-states-covering-30-of-its-electricity-usage-in-north-america-marking-a-major-step-in-its-ambition-to-use-100-renewable-electricity-by-2030/#:~:text=Press%20release,Huhtamaki%20signs%20a%20Virtual%20Power%20Purchase%20Agreement%20in%20the%20United.100%25%20renewable%20electricity%20by%202030>
- AEP to add 5,000 MW of Renewable Energy (several updates)
 - <https://www.aep.com/newsreleases/read/1583>
- American Woodmark to begin study to "Utilize renewable energy".
 - [file:///C:/Users/rmalott/Downloads/AWC Investor Presentation%20\(1\).pdf](file:///C:/Users/rmalott/Downloads/AWC%20Investor%20Presentation%20(1).pdf)
- APC Recommended Solar Ordinance negates most "Minor" Solar Farms (over 5 Acres), this will eliminate Small Business, Schools, Universities, etc... from installing

Solar Farms.

- o APC Recommended Solar Ordinance would not allow either Taylor or IWU Solar Farms. ·

Respectfully Submitted,

Mark E. Bardsley

Grant County Commissioner, District 2

Commissioner Burton stated that he is fine with Commissioner Bardsley's findings and has no questions.

Commissioner Wright stated that he has read and studied the ordinance. He expressed that he has received much input on the subject. Commissioner Wright commented that he would like more time before voting on such an important issue. He stated that he needs to look at this not only from a farming perspective, but from a tax perspective as well. Many of our bigger companies and factories in the county have committed to renewable sources in the near future. If they are not able to do so in Grant County, they will remove themselves from the area.

Commissioner Bardsley discussed some of the similarities and differences between draft #4 and draft #7 such as distances for the setbacks and property lines, along with permit, filing, and application fees.

Commissioner Wright made a motion to reject draft #7 and send draft #4 back to the APC. Seconded by Commissioner Burton; motion carried 3-0.

NEW BUSINESS

1. Low Associates Agreement Extension Proposal - Jim McWhirt, Auditor

Auditor McWhirt explained that LOW is the county's vendor for tax and financials software. They gave him a schedule of fees for 2023. The annual maintenance fee increased 6% over last year and the property tax system annual maintenance increased 5.5% over last year. All other fees stayed the same. Auditor McWhirt recommended to renew the commitment. Commissioner Burton made a motion to approve the recommendation for the LOW renewal. Seconded by Commissioner Wright; motion carried 3-0.

2. Parcel Data Request - Justin Saathoff, Administrator

Administrator Saathoff requested a parcel data request on behalf of AEP for the existing transmission line and maintenance activities. He stated that "with your permission. I would just simply put them in touch with our GIS team." Commissioner Burton made a motion to approve as requested. Seconded by Commissioner Wright; motion carried 3-0.

PUBLIC COMMENTS

Commissioner Bardsley stated that he will limit any discussion on solar to two (2) minutes per person.

George Atkins of 1418 S 600 E asked about the building that is being constructed at the Highway Department and about the farm ground there. He commented that solar options should be explored at that location.

Richard Hart of 1018 Wabash Ave., Marion stated that the County Comprehensive plan was last updated in 1991 and that it expired in 2020. Mr. Hart questioned how the APC can make any recommendations without having a current County Comprehensive plan. Commissioner Bardsley stated that he would forward the information to the APC. Mr. Hart presented a letter to each Commissioner stating his desire to have solar panels on his home and land.

Ed Hartman expressed his displeasure to the board. He stated that he wanted to make it clear that he was not representing the BZA and that he is a citizen of Grant County. He stated that the Commissioners are reducing everything down to their decision and that everything else is just a recommendation to them despite of the APC and BZA. Mr. Hartman claimed that the ordinance that was proposed by the APC takes into consideration what the people want and was prepared by one of the zoning attorneys in the state.

Dalton Carr with Apex energy thanked the Commissioners for their continued work on the ordinance and stated, "I hope feedback over the next 90 days helps us to ensure that we don't have the unintended consequences of discouraging solar investment in the county."

Jackie Sheets suggested that the Commissioners need to visit solar farms in other counties and stated that the setback should be as far away as possible from structures and property lines.

Linda Morgan of Upland stated that she sees both pros and cons for the county. She cited that she would be in support of tax breaks, but questioned the benefit of generating electricity if it doesn't stay within the county.

Mike Young, business manager at IBEW Local 173 in Kokomo, stated that he represents about 100 families that are in support of solar, as it produces a great amount of economic development. Mr. Young encouraged everyone to visit the solar project at Hardy Hills in Clinton County. It will employ approximately 250 of our members for almost 2 years.

Commissioner Bardsley stated that the board will be formulating information and certifying the facts to the APC in the next couple of days. Physical copies of his findings are available now or they can be found online later today.

Commissioner Bardsley recessed the meeting at 11:27 a.m. The next scheduled meeting will be held on Monday, July 18, 2022, at 10:00 a.m.