

# Randolph County Commissioners

June 15, 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.

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Michael Wickersham, President presided over the meeting.

## **Pledge of Allegiance**

### **Greg Beumer - REDC Cares Act Grant - Public Hearing**

Public hearing for the REDC, Randolph County Economic Development Corporation Cares Act Grant. This is an OCRA grant that we applied for. It was a total amount of \$250,000 dollars. One of the requirements of OCRA is to hold a public hearing. There is a sign-up sheet I that is going around if you would sign that to show your presence here I would appreciate that. At this point I am going to turn the hearing over to Greg Beumer.

Greg said as Mike alluded to the \$250,000.00 grant is going to help approximately 51 business in Randolph County. This is a little bit of a reverse how OCRA normally works. Because of COVID-19 we applied and they approved and now we do some of the stuff that you would normally do up front. This is a public hearing, if there is anyone that has any impute or comments about the benefits of this grant that is what we are here for. If you have questions we are here to try an answer those as well. Do I hear any comments?

Greg asked Ceann Bales on the behalf of the Economic Development would you like to say anything?

Ceann said the Economic Development put together a committee that reviewed. We went and traveled personally to each community handing out applications and made sure that we were used a comprehensive approach to get the word out about this grant program and we reviewed it and we were able to fund everyone who is eligible who applied. We were able to award at some level their request to help them continue to do business and help recover after the COVID-19 pandemic.

Greg asked Mike, Tom or Gary do have anything you want to add.

Mike said I think it's a great thing that we had this opportunity to help our local businesses.

Gary said I agree and I appreciate the effort particularly that you put forth to bring this to our attention. I think this is going to be a real assets and benefit to those who are struggling to get

things going again. I hope in some way this will help all of those who receives these grants to move forward.

Greg said last call for any comments. Seeing none we will Mr. President of the commissioners will close the public hearing.

Mike said I will now close the public hearing. We will go into the commissioners meeting. Mike said we have a couple things to take care of at the meeting regarding the OCRA grant. The first item is we need to pass a Resolution 2020-11. Which is an authorizing applications submission and local match commitment. As we know the local match came from the Randolph County Economic Development Foundation and I would entertain a motion to approve this Resolution 2020-11.

Gary moved for approval of Resolution 2020-11 as submitted. Tom seconded. All aye votes. Motion carried.

Mike said we also need to certify that this grant qualifies for an exemption of environmental studies since this is all paper work. I would entertain a motion to make and approve that decision but does certify for an exemption. Tom made the motion. Gary seconded. All aye votes. Motion carried

**Ceann Bales - 1) OCRA Immediate Response Recovery Grant Applications Review & Approval**

Ceann said I passed around a spread sheet for you that the revolving loan committee reviewed the applications. So, you can see this is a recommendation of the, we had 53 at the end ended up with 53 applicants, we had 4 applicants that did not qualify do to they had received other federal assistance. We originally had thought that was an OCRA requirement. So, we announced that, the night before we reviewed the applications we realized that OCRA was just saying they couldn't use the money for the same purpose. But since we advertised it that way this gets more money out to the community. This is just their recommendations, you can see the number of employees and how much they requested and how much they approved. They did decide with the hair stylist we had actually 26 of the 53 applicants where hair stylist or barbers and they decided to give the owners a lump sum of \$4000 and then all stylist \$3000. There is no way they could determine to kind of who deserves more because everybody range is from \$10,000-dollar request down to a \$2000-dollar request so that is how we did that. The other is based on were they totally closed, were they partially closed, or were they open with just decreased business that is how they decided and awarded it very thoughtful and intentionally. I know Commissioner Chalfant sat on that committee. Any questions it has went through the committee and has been reviewed and approved by our REDC board in a special meeting last week to make sure they approved of the awards as well. I will give you a chance to look over that and we need your approval before we can submit those to OCRA.

Mike asked Ceann if this was the same list you sent me by e-mail.

Ceann responded right.

Mike asked Tom if he would move to approve these.

Tom said yes.

Mike said this an interesting list, you don't realize the nature of the small business that we have. I am looking at Jim Melton's business here and since there is not fairs no events he has pretty much just dried up.

Ceann said the ripple effect is the main thing once you start looking at you know all the impact on everything closing how many people that impacts business wise.

Gary seconded. All aye votes. Motion carried.

Mike said the other matter we need to deal with is OCRA requires a vetting or bid process to hire are grant administrator. We did that at a meeting back in April, I believe without doing that so we corrected that situation. Mike asked Ceann what she did in that regard.

Ceann said she sent out 4 other entities put out a bid and I only received 1 denial and no response from the other. The only other response I did receive was from Kleinpeter was the only bid I received for that.

Mike said that is the firm we hired before so we really need to act on that again this morning and confirm our hiring based upon the solicitation of other bids. I would entertain a motion to approve Kleinpeter as our grant administrator for the OCRA COVID-19 response grant.

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

## **2) Update on Tarter Farm Equipment Incentive Repayment**

Ceann said there is no update, I reached out to them last week and they have not sold the property so they are still waiting. I can tell you that I am in the inclination and to just reach out and say how long it is going to take them to sale that. In my opinion it would be just get our \$100,000 dollars back and move on. That would be my recommendation. I don't know how long it will take them to sell that land. I am in discussions with a firm and had a meeting with the state last week via the phone about state incentives that I'm not sure how long that process will be. They don't want to sell us the land until they decide if the new owner would want that land or not.

Mike said so they have pretty much been silent to our offer of trading it for the \$100,000.

Ceann said correct.

Mike asked if there are any questions of Ceann. He asked Ceann if she had anything else.

Ceann said there is another opportunity the next round of grants through OCRA that would be for loan only. The revolving loan I know that Commissioner Chalfant was on that kind of training last week with OCRA. We were made aware that we even though we received the grant \$250,000.00 that you just awarded. We can also now apply for the next round which is another

\$250,000.00 that would be for a revolving loan for businesses. So, we could apply for that. We would like to with your permission to apply for that and also ask for, I know we have been talking about the \$50,000 dollars that was going to be left in the original revolving loan fund that was given from the commissioners back in the 80's. If we could use that \$50,000 as part of the match for this grant. The grant does not require a match, I want you to know that. This is not a requirement so do think that is a requirement but it would give us more points. It awards us more points if we can show that there is match in our community. Ceann said it would be another \$250,000 dollars. It would be used for loans not for grants.

Mike said the original grant didn't use up a slot of our OCRA grant.

Ceann said no, and I believe this one won't either.

Greg Beumer said anything COVID will not use up any of your slots.

Gary stated Ceann said this is a revolving loan opportunity and what happens to the money after it's returned. If it's paid back.

Greg said are you asking second and third generation loans.

Gary said yes.

Greg asked after it's paid back? It will perpetuity it goes back into the fund to be loaned out again.

Mike said it becomes a local loan fund.

Gary said it will stay in our local fund for us to use, if we receive it.

Greg said yes.

Gary stated again if we receive this grant it stays here in the county for use in our revolving loan for perpetuity as far we don't give it back after 2 years or so.

Greg said yes.

Mike said they probably have not told us what the audit and reporting requirements are going forward. That is the reason we closed the EDA revolving loan in the beginning.

Greg said this is a semi-annual report that would go to OCRA.

Mike said it would be a lot cleaner than the federal.

Greg said yes. The EDA was partially because of reporting requirements but partially because of all most a recommendation on their part because our fund had gotten so small.

Ceann said the exciting thing about this is it will help build up the revolving loan fund.

Mike said sure.

Ceann said and hopefully then help in the future.

Mike asked what they wanted to do?

Gary asked if you ended up with 4 members on the revolving loan fund.

Ceann said we do have a new revolving loan, its Commissioner Chalfant, Dean Edwards remaining on from the prior loan and Steve James is a business and President of REDC, Gabe Winkle as an attorney, the CPA representative is Heather Craig. She is over in the Losantville/Economy area.

Mike said most of them sound pretty good. Mike asked so we only have one banker?

Ceann replied yes.

Mike said I think the last one had 2 bankers.

Ceann said the new process in our training they recommended 5-7 people. So, I recruited.

Mike thinks 5 is a good number. You have 3 from the economic development board.

Mike said so if we want to go after this we need to move to go after it.

Tom said we couldn't loan that money to you, then you wouldn't get the points probably if it was a loan.

Ceann said I doubt it.

Tom restated to Greg if we would loan the money to the revolving loan fund for a purpose matching grant that would not give you points.

Greg said no it would have to be a commitment and the time of the application giving full access.

Ceann said then we could pay that back, I see what you are saying.

Mike asked what was the status of that \$50,000, do we have it in our economic development fund.

Laura asked if Angela knows that, she doesn't.

Ceann said I am assuming it is in the revolving loan fund.

Mike said it's still in the revolving loan fund.

Ceann said that has not all been closed out. You would have to decide to bring to it so it is just setting there right now. It is setting in that account.

Laura said in your account.

Ceann replied yes.

Gary said I think that \$50,000 was set aside for that purpose originally. I think, I agree it looks positive on the county's position that we are contributing some money to this. I think that is a positive I don't know about points, whether its 1 point or 100 points as far as our awarding but it is defiantly a good point that we are doing this. Since we have committee, I think it's a good committee that's set up to handle these funds. I think we should move forward with the \$50,000 being used for that purpose and remain in that revolving loan fund for perpetuity in the future.

Mike said even if the grant is not approved.

Gary said I think that is we should consider.

Mike said your motion would be that we would become the grantee for this \$250,000-dollar revolving loan and as part of our commitment we are going to pledge the \$50,000 dollars in the revolving loan fund now as a match to that. Do I have a second?

Tom said under our dire circumstance I guess I'm not, I guess I don't want to give up any county money until we know where we are at with our budget and our expenses are going up, and our revenue is going down. I guess I am not in favor of doing that. I guess, I would, do we have a history of both of these funds and we know what has been done since conception, how many jobs we created, how much money came back to the revolving loan fund or where. Is there history of that anywhere?

Ceann said I sure we can dig it out. That is great question. That would be good data to look at. I would agree with that.

Mike said there are winners and losers. I would say the history we have had in the past there has probably been more losers than winners. That basically is what the fund was for, was to provide funds for people who couldn't get funds anywhere else on a high risk business.

Tom said was it also not to try and have them make successful out of failures.

Mike said yes.

Tom said so if the majority is failures I don't know if that really intent of the program or not.

Ceann said we will start working on that, I think regardless of where this goes, that would be really.

Tom said that would sound really good to have.

Ceann said we will start working on that.

Mike said what is the point situation, if we pledge 50 how many points do we get for that?

Greg said 20, will out of a 400 point.

Mike asked if that was based on the 50 or if we pledge 10 do we get 20.

Greg said 20 is the maximum points and it goes down in increments, a smaller amount would be fewer points.

Mike said if we pledge \$25,000, that would be 10% of the grant opportunity. That would save the county 25% but the grants approved. I mean I guess, I understand where you are coming from Tom, we don't know what the future holds. We do have funds available and I don't want to get in a position because we are tight budgeted, we are going to take our economic development money and just not spend it on economic development. This seems to be an opportunity to do that. So, I guess I am inclined if we are not willing to give a reduce amount, I am inclined to give the 50. If you are stuck on 50 and stuck on 0, I am going to go with 50.

Mike seconded the motion. Two aye votes, one nay vote from Tom. Motion carried.

### **Chris Burton - Health Insurance**

Chris said this has been quite a process on the health insurance this year. We are a little later than we normally are because I have been negotiating with Anthem since the end of March. In your packet are the left side I'm just going to touch on you know. These are some of the larger claim's you guys have had in the past year. As you guys knows your specific stop-loss for the health insurance is \$60,000 per person which has been great. It's saved the liability for the county having the lowest specific, it's been really good. I think I mentioned last year they wanted to raise that. The thing about being self-funded, has been really good with Anthem they don't laser large claims. You guys have had some that happen in the past where a company would come back and put a higher specific on certain individual. Anthem has never done that until this year. They came back to me not Anthem Indiana kind of Anthem Corporate kind of changing our stance on stop/loss. In a nut shell they wanted to put some large higher specific laser on some larger claimants. On 3 individuals with your fix cost would have put your liability at about 2 million dollars which is where you guys were. Which basically that would get rid of your plan. I had to go to work and got all of that and that is not going to happen. So we are going to keep the specific at \$60,000, I just want to kind of show you the large claims you know obviously they have had significate losses versus the premium that you guys have paid in concerning claims that have been paid out. They represent a lot of groups and I told them not to take it out on Randolph County and they finally agreed. So, behind that is kind of the history of the last 6 years of how the cost have gone. We really average about 7 ½% increase over the past 6 years which has been pretty good. Considering where the claims have been. Anthem has been a good partner of ours. They have given us some decent options this year even with everything that has happen. What they decided to do. On the right-hand side of your packet is just the actual renewal. They keeping everything the same gives us about 24.7% increase in cost. So that is listed down here at the bottom. You guys can review this document,

it's just keeping everything the same, 60,000 specifics. We saw this type of increase with the budget that we have, where do we go from here. What kind of options can we do. Behind this page is the 2 plans offer for the employees. We have one PPO Plan which is a \$1000.00 deductible pass it off as co-pays and prescription drug card and you have a HSA Plan which is a \$3000.00 deductible. Most of your people are on the PPO Plan right now. You know we will probably have to change that. That is just a little bit of the history. So, getting into the nuts and bolts of it, so these 2 documents right here. I have showed this to you guys in the past. If we look at the first one in, at the top it talks about your max claim liability, expected fund liability last year and your fixed cost. Your total expected cost last year about 2.6 million. Chris asked where did you guys come in at. You came in with actual claims at 2 million. You had \$956,000.00 above your specific that was deleted. It's nice having that low of specific, but that was the amount of claims that was taken away from the claim total, adding back in your fixed cost you came in about 2.7 million. So even with all the large claims you guys it is a 24.7% increase, but the total expected cost was only about 6% and actual cost over expected but wasn't really terrible.

Mike said you are talking about the current year.

Chris yes for the current year. You guys came in about 6% above your expected cost.

Mike said we were well below our maximum.

Chris said well below your maximum. The reason you have been below your maximum every year is because you have that low specific. It is keeping the large claims at the lowest possible level we can do. We are going to keep it there. You pay a little higher for your insurance for that but it saved the county. We want to keep that going. So that is what happen. Down here are the employee contributions, county cost for the current year. The total cost of both plans was about 2.4 million for both plans.

Mike asked the total cost of both plans is \$2,434,000. That total cost above is 2,786,000.00.

Chris said the rest of it is the employee contributions.

Mike said ok.

Chris said I am just talking about the county cost.

Mike said ok. So that is about what percentage of what it cost with the employee's paying. Do we know what that is.?

Chris the employees are paying about \$300,000 employee contributions something like that. He said you are paying about 94% of the total cost for the employees and dependent families.

Mike said ok



Chris said meeting with Paula, Duane and the committee what can we do. So, if you kept your plans the same and didn't change anything and said we are going to pay 95% of the cost of the PPO plan 98% for employee only for the HSA Plan we just did that. Now it wasn't very expensive for employees to cover the families. We would have to talk about how we were going to address that issue. So that would give the cost down little over 2 million dollars for the county if you just did that alone and kept everything else the same. Stop paying 94% of the family cost. So, it's kind of a big step there. Then if you look at the next page, so we did some benefit options. I will just kind of highlight these the next sheet will show you the best options for the county. The first one is just offer one program, not have 2. That would be a \$2500-dollar deductible, you guys pay 95% of the cost, the county cost would be 1.8 million if you just did that. That would be a PPO Plan with a \$2500-dollar deductible, you would have a \$6000 dollar max out of pocket, but you would have the physician's office co-pay and a prescription card like they have today. So pretty good plan. Most people don't go in to the hospital every day, most use their office co-pay and drug card and that would keep thing pretty much the same. The second options are going to a \$3000 deductible, \$6000 out of pocket, same office co-pay, and it still brings it down a little bit from 1.888 million to 1.825 million so not a big savings but a little bit more. The last option where Anthem gave us the biggest bang for the buck. We are just going to offer an HSA Plan only. The State of Indiana was in the same situation as you guys a few years ago. They had large claims they went to a HSA only plan. This is what they did. So, if you offer just a \$5000-dollar HSA Plan it does have a \$6900 dollar max out of pocket, it has office co-pay and prescription co-pays after that deductible like your plan now. You guys pay 98% of the cost and that would be like little under 1.5 million in total cost for the county. If you put \$750 dollars in the HSA accounts today we could put \$1000 for 136 people in the account. That is \$136,000 dollars that would raise that to about 1.6 and if you put \$500 dollars in everybody's account it would be a little over 1.5 million if you went that route. But if we got to a 1.5-million-dollar number this is the way you get there. The next item down here is there was some talk about when things was going a little sideways with Anthem, what if we don't have a plan what do we do. There is a limited plan called Limited Plans they are like minimum accessional coverage type things you might have heard of. Some employers who can't that can't afford to have a group plan will have it. It gives them employers out of the ACA, there is a \$2800-dollar penalty for person per year now. It gets you out of that penalty. We don't do a lot of it at our company. I have one home health care agency in Bloomington that has it. It is pretty inexpensive so if you pay for that for all the employees it would be a little under \$600,000 in total cost for that plan. In your packet is this that kind of goes through the benefits of it. I will just tell you really quickly that it does have some office visit co-pay benefit, has prescription benefits if you are in the hospital though it will only pay about \$2000 dollars a day. It is limited, it's not meant to be a comprehensive plan. It will work for some people it would. If you have a lot of people that have larger claims, my opinion it could put some people in harm's way. If you went the route of raising people salaries and just offering this, tell them to go out and get insurance on their own they don't do it most likely. As far as managing the rest of your employee base here, I think we still have above what your budget is \$1.5 million let's keep the group plan in place this year. It's going to give the people the best protection. This plan is out there and I wanted to show it to you. The next page, and I know you guys are going to have to review some of this, and we can get back together but on the next page what I tried to do, is instead of having a 2- way rate structures have a 4-way rate structure which it made it a little more affordable for employees and spouses and employee and children. It raises the family rate,

we are trying to spread the rate over the same amount of dollars. In the first scenario using that \$5000-dollar HSA option I fill like that is going to be the best way to keep our plan moving forward. You guys pay 95% of the single, 50% of the family and then I have a couple of scenarios down here so when you do that it has employee contributions right now we would pay about \$75 dollars I think for a month. This is monthly for the PPO plan. It only cost them \$48 dollars a month if you're an employee only, it's a little more expensive to cover your family.

Mike said that is less than what they are paying now.

Chris said it is.

Mike stated they are paying about \$170 now.

Chris said I think its \$75 a month for the PPO plan.

Mike said the full insurance not the PPO. The full insurance aren't they paying \$86.50 a pay, \$87.50 a pay.

Mike said they told me that last week.

Duane said I'm not sure.

Chris said I thought it was \$75 dollars a month.

Mike said for the HSA.

Chris said the HSA is \$43 dollars a month.

Mike said somewhere I thought \$87.50 a pay.

Duane said that is not the HSA. He said I am pretty sure it is \$43.

Mike said for the full insurance benefits I pretty sure is \$87.50.

Chris said with this if you look at the county cost it would be a little over \$1.6 million. If you want to put in some dollars in the HSA plan you could raise it up to about \$1.7 depending on what you want to put in there. That is a way to kind of get there and give the, give the employees a chance to pay for their families. You are not going to pay 94% anymore, you are going to pay 50% of it. The second scenario, I'm sure we have the dollars to do it. The County pays 85% of the single fee, 75% of the family, \$146 dollars a month still not a bad deal for the employee makes it more affordable for the dependents. It's almost \$1.9 million if you do the total cost, if you put a \$1000 in their HSA account but you put in \$500 dollars in their account it would be a little over \$1.9 million. The last scenario is if you did 85% of the single and 50% of the family it gets it down to \$1.5 million, \$1.6 million if you put \$1000 dollars in their HSA, so that might be you know might be pretty close to your budget doing something like that. So, a lot of numbers in a short period of time here. All my numbers are based on total expected cost. We

do have a maximum claim liability we have never come close to it because of that low specific but it's out there. I have to say guys, I feel from where we started with Anthem and basically me asking the guy from Minneapolis to fly him down so I could meet with him. Making these kinds of decisions in our stop loss area. We got it down to where we can keep a plan. It's not going to be the same for the employees, but if we do an HSA only plan you guys put some dollars in there all the family care is covered 100%, you guys there is still a number of prescriptions that are preventative RX benefit that are covered at 100% under the HSA Plan. So that is still out there and will still get that. Our medical mobile unit you did with our company, they are still going to come here twice a year. I like this because people if you have that \$50- or \$100 thousand-dollar unexpected hospital stay you have got some good coverage. It might be a little more out of pocket than what you had out of the PPO plan last year was I think it was \$3500 dollars so it's a little bit higher but if you go the hospital and have a large claim. Typically, they don't make you pay it all back at one time. They will let you do it over a period of time so it helps people out. It's going to cost to do some employee education to help employees through this. This time it still gives you a pretty decent plan. This is exactly what the State of Indiana did. Their plan right now is doing ok. You guys have been through a little bit of a claim storm here, but you have 136 employees it won't last forever. You are guys are doing the right thing to try and get your employee base healthier with our medical team. You are just going through a wave that's going to go back down. It just happens in the last couple of years, but it happens to almost every small employer. I was thinking, I didn't get the updated numbers from Anthem until Friday afternoon believe it or not. We were working on the weekend to put this together pretty quickly. I thought what if you want the \$4000-dollar HSA Plan instead of the \$5000. So, you might want to make a note about this. If you went to the \$4000 you would only have \$5000 dollar out of pocket versus \$6900. I am estimating that to be about 10% increase, just to give you food for thought. We want to go from a \$3000 deductible now to \$4000 we know it's going to cost us a little bit more. Maybe play around with the employee contribution, the county contribution a little bit. If you tell this is the budget we had. If it's \$1.5 then its \$1.5 or \$1.7, this is the plan we want, this is the dollars we exactly have we can tap back into it. Just wanted to throw that out to you.

Mike said really the \$4000 goes from a \$1000-dollar deductible to a \$4000.

Chris said yes.

Mike said except with the HSA how many participates do we have in the HSA.

Chris said not a lot about 33. He also said with the HSA plan is you do have a \$1000 deductible, it's a \$3500 dollar out of pocket but once you meet that \$4000 dollar the plan pays 100%. So, you go in the hospital and have that \$50,000-dollar claim. On the \$1000-dollar deductible you are going to get you're out of pocket in the \$3500 if you are in the hospital. On the HSA Plan you pay your 4 grand and Anthem pays the rest 100%. Your out of pocket will not be that much different on a large claim

Mike asked so on \$2.4 million we paid in 19 that was our cost.

Chris said yes

Mike said the difference between our cost and total cost the employees picked up.

Chris said that is right.

Mike said that is about 12.6 %.

Chris said yeah, ok

Mike said from the calculations. So then these county cost over here is our cost and the employee contribution is top of that, so our total cost we are not really seeing on these sheets.

Chris said I am just looking at county cost.

Tom asked what will happen to these high claim people on a \$4000-dollar HSA. Would they be better off or worse?

Chris said I mean they would have a \$4000 max. That \$4000-dollar HSA is a \$5000 dollar out of pocket. How that works is. It's still 100% after your deductible but there are some co-pays once you hit that deductible for the office visits and prescriptions. So, if you would have another \$1000 in co-pays which is kind of hard to do, but if you did the office and prescriptions would then be covered 100%. That is why that is \$5000 out of pocket. If they go into the hospital for that \$50,000 claim they can plan on paying 4 grand and Anthem will pay the rest of it.

Mike said the deductible is per person.

Chris said yes

Mike asked all the way through no combined family deductible.

Chris said it would be \$8000 family.

Mike said the 4 would be 8 and the 5 would be 10.

Chris said yes.

Tom asked if Chris was going to meet with the council next week.

Chris said I know we have some work to do, there is some major changes here, but this, I feel like.

Mike said our renewal is July 1<sup>st</sup>.

Chris said we don't have a lot of time, and I apologize. I have been working on this since the end of March.

Mike said I do know last year when you were in here there was a lot of talk and concern about what our stop loss going from 60 to 90.

Chris said yes

Mike said in one respect I appreciate that it didn't do that. I think we might be, I don't know maybe that would save us money, I don't know

Chris said they gave you options for that.

Mike said money on the front end I suppose, or we run the risk of. I think there is concern at least for the council members some of them is the unknown is a difficult thing to try and budget for. I guess maybe a higher stop/loss means we have more unknown as the year goes on.

Chris said they gave you an option for a \$70,000 stop/loss, so that lowers your fixed cost. But what that does is it inflates your claim liability. The bottom line is I am looking at total expected cost, assuming that is what we kind of base everything on, there is no difference between the 60 and 70 and the 80. So, when we are in this claim storm right now let's just keep it at \$60,000.00. Chris said if we knew and had a crystal ball and we knew what was going to happen through the claim storm next year, I would say let's go to 80 and we are going to say money. We just don't know.

Meeks said we need to sign the contract by July 1<sup>st</sup>.

Chris said yes.

Laura said the 18<sup>th</sup> Thursday

Mike said we meet with council on Thursday

Gary asked if we could have Chris come back.

Laura said it is Thursday evening at 6:30.

Chris said I could come back.

Laura said ok, that would be before our renewal, because otherwise the council doesn't meet until Thursday but then they won't meet before July 1<sup>st</sup>.

Chris said I will get that \$4000-dollar options, I know exactly what that is. This was like me yesterday thinking I will have that.

Meeks asked if Chris could e-mail that to Laura and maybe she can send that out to council.

Chris said yes absolutely. I will just update our numbers.

Laura said ok

Tom said we have about 8-9 employees who are on Medicare and under this plan the county is paying \$26,000 a year and family are \$28,500 and there is some way to pay a stipend. I am paying \$69 a month for a supplement, it seems like we are paying a lot of money out for those employees. Where does that money go, does the insurance company get that.

Chris said that is a good question. The federal law is if a person is working full time and they are 65 or over they have the right to stay on the company plan. That doesn't mean they can't choose to go on Medicare, they do have that choice. What the social security office would tell somebody is are you working full-time. That is what they would normally ask. If they are then offer a plan then technically the employer can't not pick up the cost of the supplement for that employee. Now we have some employees because as you know their Medicare supplement pays about 100% of everything. So, some people say they don't care I want a supplement. If your contribution changes a little bit here you know they might think it's cheaper to get a supplement on their own, sign up for Medicare Part A and part B and we could help them do that. The federal law is that you can't entice people to take Medicare when they are working full-time.

Tom said as county government we have part-time employees we got elected officials who are only required to work one day per year so who determines what is a full-time employee. Chris is kind of all in as far as Anthem eligibility if you consider them who is ever considered in eligibility for Anthem consider full-time. I have a lot of community banks across the state and I run into this all the time with bank directors. Obviously, they don't work in the bank every day, back in time the most banks covered their directors on health insurance plan. I have advised them to be careful of doing that because we have directors that are 80 years old. So, you have to be careful with doing that. So now banks don't do that as quite as much. But if they do it I have some banks that still do, that director is going to be primary on, now not to say in some cases they will choose Medicare and I will pay for my supplement that still happens. That is just your federal laws.

Chris said considering where Anthem started out, I about had a cow with them. The guy who runs Anthem Indiana actually he was on our side. This kid from Anthem Corporate making some changes in there stop loss underwriting.

Mike said they are giving full insured plans 15% back he read somewhere.

Chris said consider where we started. I'm just telling you I was a little nervous for a while but we got it down and we can get a plan. If we can get the HSA Plan going and the county can put some money in the HSA account to help them. We can explain it to everybody that they'll still have a decent plan. That is the goal.

Tom said if we gain the system one year we are going to pay for it the next. I wish there was a lot more personal ownership because people think insurance is free and there is no cost. Claims and premiums are directly related.

Mike said the HSA will create a little more personal ownership.

Chris repeated that is what the State of Indiana did. They really have a lot of employee's and an HSA plan I offer a couple of them. I think this is the right path.

Meeks asked if they saw a lot of drops in the family coverage then.

Chris said I can't say I don't know that for sure. I just know they were in a similar situation as you. I don't handle that account but according to the people at Anthem.

Meeks said this appears to me if this occurs we will see a lot of drop in the family coverage.

Chris said it could be depending on what's in the budget and decide to do for families. If they have to drop or getting an individual plan we can assist them.

Mike said right now there are the two tiers. So, for our calculations purposes if I am looking at 4 tier rates for \$5000 dollars HSA option. If I calculated the total employee contribution for employee/spouse, Employee/child and then family and divided that to make it one tier again that would be the equal contribution from each group.

Chris said if you wanted to go back to a two tier.

Mike said the numbers wouldn't change they would just average out to be equal. That would be less than the 21 families and increase the 10 employee/children and employee/spouse.

Chris those are informational fees ok so you know, they should be based on your total expected cost. Your informational rates this year came in exactly at your cost. They worked out, they are information rates. Actually when I calculated those I inflated the single one a little bit just because if you lose some families during this new deal. You want to make sure you have calculated enough premium to spread it out amongst all your employees. So I did inflate on the 4 tier rate I inflated the single rate a little bit to try and be conservative.

Chris said so Thursday at 6:30 and I when I get that other information I will e-mail that out to you.

Mike asked if council had these numbers.

Laura said probably not.

Duane said no, I don't think so.

Mike said I think we need to get them to council before Thursday.

Duane said he would e-mail them out.

Mike said get them to Laura and she can send them to them.

Chris thanked everybody.

**Randy Abel, Chris Beason, Matt Price- Solar Ordinance**

Mike said to start the conversation I think the most recent meeting which I wasn't at but Tom and Meeks were at, on discussion with maybe both of you regarding the 7 points of improvement for our solar ordinance is that a fair statement. Have you seen those Randy?

Randy said yes

Mike said on the surface they don't look to bad to me, I think we kind of got into some of these and had discussion. I think the area planning commission had their reasons for the way the ordinance is prepared. The EDPR has there reason why they don't want it as tight. So I think what we want to just do open up and all of us in the same room discuss how we want this to go forward at this point in time if we can.

Meeks asked if he could interject.

Mike said you sure can

Meeks said he has talked to Jason Welch on Friday and there still has to be a public hearing. I think they are going to set a public hearing at their meeting on Wednesday according to Jason. Do you have a meeting Wednesday or Thursday?

Randy said it is Wednesday.

Mike asked if it was here or the old hospital.

Meeks said at the old hospital. So, with that being said, Jason thought it would be very helpful if the commissioners would go through these points and give directions for the meeting on Wednesday. Basically, vote up or down I guess or give something to tell Randy and the committee this is what we want. So, then that could be in the ordinance, because if it doesn't make it in the ordinance it can go back and forth for 90 days until it gets back in the ordinance and we didn't really want to do the back and forth for 90 days. I am not the area planning attorney so I don't know how that back and forth works he told me 90 days. The last time we did it was every bit of 90 days. Kind of the thought process was to get whether they thought, Tom and I went through them with the company. When it came right down to it I didn't have a big, the only one and I still don't know about. The second one on the zoning districts. I haven't really thought that through.

Mike said why we don't talk about the zoning district. Randy and I met we talked about the limited agriculture and my thinking was that, that should be a permitted zone. I think Randy's response was well we don't want them very close to communities Winchester, Union City, Lynn and Farmland. He did mention a couple of communities that probably wouldn't matter that are surrounded by limited agriculture. So, I didn't know if there was an opportunity to put



something in the ordinance that some communities are protected and some are not. Then Meeks indicated that some communities have 2 mile buffer zone.

Meeks said that would be if we didn't have a unified zoning ordinance. By statute its 2 miles.

Mike said my meeting with Randy about was well the area planning commission has some logic there but I am not sure that the logic follows through to all limited agriculture area. If I am making any sense. So I don't know how we can come together with an ordinance that would protect some limited agricultural areas but not others.

Meeks said an incorporated city would be anybody that has a town council.

Randy said I think the committee felt like AG limited was put in place to protect areas specifically from industrial uses used in agriculture particularly agricultural uses when you are out in agriculture you expect to see barns and animals and crops and farm equipment all these things. You don't expect to see industrial uses in agriculture. Part of our research has shown that 8% of new homes built in Randolph County are in the country. These areas of AG limited are actually concentrated areas of development for residential. That is why they are listed as AG limited. Now obviously a lot of these areas are not going to be used for expansion probably. Around cities specifically AG limited is an area that you look at future building and construction and development and what you want to go into that AG limited area. It is generally areas that are set aside for sub-divisions, expansion for commercial and industrial uses that will utilize specifically like in Winchester & Union City utilizing the utilities an amenity's of around those cities. Obviously, there are areas out in the country that are protected with AG limited but that is not necessarily areas that we see as an area for expansion. So I think the problem we have is that once this is passed there are no more hearings. A special exception hearing is generally used almost in every zoning ordinance that I have seen concerning wind and solar. That is because that is hard to wright something specific for something that you don't know where it's going and who it's going to affect and what areas. There is a big diversity in AG limited. It was one that was put in place during I believe in the CAFO ordinance.

Mike said and basically my thought was that AG limited was an area that CAFO's were not going to be put in.

Randy said yes.

Mike said there was no discuss about residential development or anything of that nature. It was just wasn't going to allow confined feeding operations. That was the rational to create the two different agriculture zones limited and intensive.

Randy said I think the separation not only for that but for industrial uses. So, you look at the landfill the ethanol plant you look at business that go out in the country. All of those in the ordinance require special exception hearings. Even church's require special exception hearing, even hospital's and intuitional uses all require special exception hearings in all zoning districts. To me that is just my way of thinking and I think the committee's also is that once your placing something that is not typical in an area generally has a special exception hearing. I think what

this ordinance is trying to do is to move away from that just like the wind ordinance so that we have specific standard set up that we don't have to have a hearing every time. I think that is a good idea. I think also that these concentrated areas and that is what AG limited is, it's basically population concentration that is where you got the AG limited from. It protects the campgrounds, it protects unincorporated cities and it protects these areas that are more concentrated residential. That was the think, I'm not saying they won't reverse that because they could do that I mean if the rational is there. Like Meeks said or you mentioned maybe it's more incorporated AG limited than the unincorporated. This still gives those concentration of people an option to be heard for every development. I mean not talking about 1 person and we can kind of predict were going to have a 5-acre land out here. You are going to be able screen around this. It's a little more difficult when you are talking about concentrated area and the effect it will have on multiple people. That is why they thought you should have a hearing at least those individuals the opportunity to be heard and to see how they thought solar should go in around them. Our setbacks specifically address that individual. They don't want to address an AR basically it's a subdivision in the country that is what an AR is. So it doesn't address any greater setbacks to a subdivision in the country than it does to an individual.

Mike said it's not allowed in an AR according to this.

Randy said yes because it is a residential area. That's unlike if you look at the wind ordinance. I don't know who wrote the wind ordinance or where we got that. Wind turbines are allowed in AR. That made no sense to me, they are not allowed in residential 1-10-3 or in C1 but then they are allowed in AR which I don't know if someone didn't understand that AR is basically a subdivision in the country. I don't understand that. To me that was a mistake but you know oversites happen all the time in ordinances. That was a little inconsistency I saw.

Mike said a little inconsistency, a lot of setback in an AR though. It would be a larger setback if you are surrounded by resident, your setback for a wind turbine would be pretty great.

Randy said yes for resident.

Mike asked Chris Beasley what he had to say about limited.

Chris said I really like the incorporated versus the unincorporated idea. Really the issue that we are running into is that as it lays out right now the Riverstart Solar Park is on the north and/or eastern side of Huntsville within the AG-L area. So as late stages as we are, we are hoping to secure our permits here in August and break ground in September. A special permitting hearing creates a project risk on our end. Our thought here is that as the ordinance is written right now all the right of ways within the AG-L area to have screening. Essentially ½ mile out 'from Huntsville anywhere there would be panels you got screening. So there is not visual impact in those areas.

Randy said I don't believe it's written that there is visual screening along right of ways.

Chris said just in AG-L.

Mike said so the visual screening would be a mitigation factor in A-L where it's not a mitigation factor in A-I intensive

Chris said that is correct.

Mike said if we limited it to incorporated communities Ag-L surrounding, I guess the question would become if it's all A-L around, how do we define that I guess that becomes the issue.

Randy said because there are no city limits, there is no way. So it is basically the intersection in the middle of town, you are not going even a  $\frac{1}{4}$  of a mile out of town probably. So, it is very limited from the protection of that for screening on the roads. Because from the center of Huntsville, Huntsville is probably  $\frac{1}{2}$  in certain areas along 500. If you go from that intersection it's not really too far away.

Mike said it is farther on the north than it is on the south.

Randy said yes

Mike said its pretty narrow on the south.

Randy the definition of Ag-Limited is pretty vague in those areas. I mean all I go by is what is on the map.

Mike asked if we could define it now make it larger.

Randy said we could I mean so who is included in Huntsville. If you are  $\frac{1}{4}$  from Huntsville are you still in or  $\frac{1}{2}$  mile you still in. I think what they did during the AG, maybe I am wrong, but I think they put a point on the intersection main intersection in those areas of little towns. I think they just said a  $\frac{1}{2}$  mile. Obviously like you said going to the north there is a lot of drilling sites up north. So, you go a  $\frac{1}{2}$  mile from there you might have a house setting right on the Ag-Limited line. You go the other way there might not have anybody within a  $\frac{1}{2}$  mile. There is not a lot of homes I don't think going south from there, there's a church.

Mike said so what you are telling is the CAFO's ordinance would allow building within a  $\frac{1}{2}$  mile of that center.

Randy said yes.

Mike said because it is intensive beyond that.

Randy said yes it' intensive beyond that.

Mike said so if it's intensive beyond that why is there a concern in Huntsville I guess I don't understand. If you are a  $\frac{1}{2}$  mile out, I guess you want to be closer than a  $\frac{1}{2}$  mile. I guess that is the question. How close do you want to be to the center of Huntsville?

Chris said we are about  $\frac{1}{4}$  mile out from the center.

Randy said I think that is fairly close to the homes that are on the edge of the development. He said I will make a comment here, when the committee wrote the ordinance we made it very clear that we are not writing this for any specific development.

Mike said for all solar developments.

Randy said yes, all solar developments

Mike said there is no question about that.

Randy said we want an even playing field. So even though this may cause them some grief because of the specific way they are developing. We felt like this was a reasonable request for all companies coming into Randolph County developing near concentrated residential sites would be AG-Limited. It's not maybe just even in residential it is also against places like campgrounds and areas like this where people significate investment in a small area. I think that is what the AG-Limited basically do. So typically, when you are building in the country you are expecting all those agriculture uses. If you look in our zoning ordinance when it goes from conditional & special exception uses and what is permitted uses in agricultural limited and agricultural intensity. All the industrial area uses are special exception hearings.

Tom said who defines industrial uses.

Randy said basically it is in the ordinance. I don't have it with me, but I can get it on the computer. Basically, its things like the ethanol plant, any business that goes in out there. It's like the landfill, went out in AG-Limited.

Tom said there is so many moving parts and were evolving and changing. Agriculture is about capturing energy, capturing sunlight which is what solar is. I know they intend to graze livestock in side these industrial parks. So how do you say this is commercial, this is industrial, this is residential, this is AG it gets a little blurry.

Chris said one of the distinctions is that this is more the nature of an agriculture use as opposed to an industrial use, because it is largely passive. The other examples given all involve emissions, they involve odor, involve employees, involves traffic, large congregation of people that is why they require special exceptions not only in uses that are largely passive particularly after it's installed. Limited traffic, basically just absorbing the sun at that point. That is why we think it's at more of the nature of an agriculture use. With the screening and the setbacks are provided in the ordinance our significant mitigation factors already present. While we totally agree it shouldn't be special legislation since benefiting one applicant over another. We think all applicants should be treated the same in the since of having the ability to go in and permit a facility that otherwise fits in with the landscape and has very significate screening and buffering requirements. Even with the revisions we proposed still very significate for screening and buffering.

Meeks ask Chris if he could explain that. I know we have a lot of people but can you guys explain the screening and buffering and what your proposal is on that

Chris said yes one of the other factors that we wanted to work in is that we wanted to make it so that they were very objective and easily understandable standards for setbacks from residential uses within an agricultural district. So, what we made the rule is that if there is no visual barrier required, I will talk a little bit what a visual barrier is, then it has to be 300 feet from residential uses or home. Then it varies from there. If there is a visual barrier then it could be even 20 feet, then without a visual barrier it could also be 20 feet provided the home owner grants a waiver which is pretty common occurrence when you site one of these. The visual barrier concept is we would use that as a define term to replace what we think is a subjective concept of opacity. Replace that with an objective requirement that actually would create a barrier so that you have plantings at specified intervals so when the plants grow to their maturity you will create a barrier basically between the residential views and the solar farm.

Randy said I guess the problem the committee had with that is that saying visual barrier is not objective, it is very subjective to what you think a visual barrier is. The one they put in there was opacity which is used in Indiana law at various places. It is very specific as to what 100% opacity is, basically is that you cannot see on the other side what you are looking at. There are several examples Jason gave me of it. Opacity is used several places, one of the biggest places used with the emissions of power plants. Emissions is regulated to 50% opacity over 75% opacity. There are other issues in the state law where it is used concerning adult entertainment where it is considered to be an opaque use of covering of the body obviously that was used. To say 100% opacity just says you cannot see the panels on the other side. To say visual barrier does not describe that you can total can't see visual you can't see the solar panels on the other side.

Mike said it mitigates the visual is what I am reading.

Randy said I think what the 100% opacity is give you a standard and here it is.

Mike asked who determines that.

Randy asked the standard.

Mike said the opacity. How far does it have to be? You and I can go out and look at a visual barrier and I might be satisfied that I can't see it and you wouldn't be. If it is completely opaque, you could still say I could see something back there.

Meeks said on opaque actual, I looked this up, apparently there are machines that can see the opacity of an object.

Mike said so AI artificial intelligence.

Meeks said I guess, my issue with the 100% opacity is that evergreen tree just died. We can't be 100% opacity at that time. There is going to be, so the wind came and blew it over, there is no

way I think in 7 years or however long they have that they can be 100% opacity unless they put a forest in there.

Randy said if you look at the ordinance it gives example of that you have a year, matter of fact more than a year because of the season to replant those in those areas.

Meeks said that tree isn't going to grow.

Randy said you still have the 3 years to 7 feet. He said you are not expected to put 15-foot tree back in.

Chris said I could maybe shed a little light on that. The two examples about the use of term opacity with regards to power lines. I believe it is talking about particular matter of emissions. Not talking about screening a power plant from adjoining properties. In adult entertainment ordinances I am somewhat familiar with the term of an opaque garment being used or other coverings. In the landscaping concept of you are talking about a buffering of adjoining land uses. What is typically referred to is the density not opacity. What you are talking about is how close plant things need to be together in order to create an acceptable barrier. Even the draft ordinance the terms are used almost interchangeable. There is an opacity or reference to being opaque and then density. I think what we are really saying is I don't think we are disagreeing about the goal. Maybe having a little concern on whether it is objectively measurable or not. What we're trying to achieve in the term visual barrier is actually agreeing upon on the density of the planting, so we have a robust screen between the land uses, as opposed to what I think we are kind of debating here right now. Which is how subjective a concept of opacity is. One person's impression of whether they can see through something maybe different that another's. Just based on what their digital queue is etc. So we are saying let's just agree on an objective set of plans even species, so we arrive at what we are all trying to really do. Which is screen the adjoin uses from one another.

Mike asked isn't screening part of the project plan permitting process. Don't they have to show you what they are going to do for screening?

Randy said yes, they do. I think what we did was we got this out, so when we set down we went through dozens, dozens, dozens and dozens of solar ordinances. This was one area that was used multiple times in their description of how to describe the density of the screening. It was just defined as opaque and the type of screening and what was put in was total left up to the applicate. So, if you want to put 4 rows of pine trees in and you can prove that is opaque that was fine if you want to put in a row of arbor variety and space them 5 feet that was fine. If you can prove that your arbor variety are going to provide that barrier space them at 8 feet. It depends on the variety and density and the height of planting that you use. We put down the standard that we don't want to see anything on the other side 100% opaque. You can gain that any way you want. We didn't think it was our job to tell you that you have to spend X amount of dollars on a green giant or providing as opposed to spending the dollars on 5 pine trees or opposed to spending it on something else. The goal here is to make it so it can't be seen.

Tom asked if there was safety ever discussed in the committee, talk about safety issues and talk about opacity and screenings.

Randy said it was to reduce the impact that the solar was going to have on that residence next to it. I think that is important, I mean, we started out when we were doing this was one of the things we said is, imagine you are living here and now you got 1000 acres of solar all around you. What would you want it to look like? You got your investment in a house, what if you have a half a million-dollar house. You got that investment on your acreage out in the country. What is the impact it going to have on that on your house and on your life style and your living and your enjoyment of your property? So, when we started this imagine you're the one that lives out here. This is going around you, what do you want it to look **like**.

Tom said if you don't own the property and buffer to protect yourself, why do you go out in the country and with 5 acres build a half a million-dollar house and then everyone else has to give you the view that you want, the view you had when you built.

Randy again that is some of the reason you have zoning ordinance. So, if you go out and build in the country you know the uses that are permitted in Ag are farming basically that is the only thing that is allowed is farming. Everything else has to have a special exception hearing. So, you have some say as a homeowner then to go to those hearings and make your arguments. Not for me to make an argument but for the homeowner to make the argument or whether that is appropriate use in the country or not, to debate whether it is industrial or not.

Mike said you could have confined feeding as a neighbor as well.

Randy said yes.

Tom said if you have a grain set up right beside your house.

Randy said you sure can.

Mike said you could have one ugly barn if you wanted it next to you. I guess that's going back to opacity and visual barrier I not sure that if I commit to an opacity screening in 7,8,9 years I am not sure I can guarantee that. Because if my neighbor he can go out there say I can see that. I may have to get down on the ground and look through the grasses to see it I may have to in bedroom window. I think the idea is to make it, to mitigate it to the point that we are trying and we will mitigate the visual impact. You are not going to see, you may see it but you are not going to notice it. I guess that is the way I look at it. If we want opacity then let them do the fence that is the only way we will have opacity. You put a stockyard, stockade fence up there. Green trees are not necessarily going to do that, and do it forever, it is always going to be changing. I think opacity is too great of a burden is what I am thinking on the issue. I think a visual impact and mitigate that visual impact and when I apply for that permit I'm going to do these trees this far apart and this is what looks like in 10 years.

Randy asked how does the area planning commission determine that it meets the standards that they are expecting.

Mike said because I just showed you in my permit I am going to put these evergreen trees or leaf bearing trees 5 foot apart and in 3 years here is a picture of what it's going to look like, in 5 years here is a picture of what it's going to look like. Frankly the area planning commission can say will I think they need to be 4 feet apart.

Randy said how do you know the standard.

Mike ask what is the standard.

Randy said 100% opacity, so you can't see on the other side.

Tom said what do you see when this is all built and you are in the road what am I going to see first. Then what goes after that. So you can lay this out, stand in the middle of the county road and side ditch what's next.

Randy said next it is the fence around the property. He said next there is a 20-foot perimeter access road and then panels.

Tom asked where are the trees at.

Randy said on Ag there is none. If you go to Jay County they require it. If you go to a lot of other counties they require it. I can show you pictures of developments that EDPR has in South Carolina, you have to look hard to find any solar panels from a road. In the ones I've seen pictures of you see little pine trees growing, you won't be seeing them for long. There is not visual context from the road.

Mike asked if they are 100% opaque.

Randy said 100%, I contacted Jasper County down in South Carolina, she said the best thing they ever did was screen them from the road and that stopped people complaining. Of course, they have more tourism down there. They have more forest down there, they have more area that you can do that. We don't feel that this is practical in farming community in Randolph County. To screen 100% from all the roads, I don't know how you would accomplish that.

Mike said how many have this definition in their ordinance, 100% opacity. I don't know which ones do, we saw several of them though. We thought that was a good standard to set, then they could meet that anyway they want. Visual barrier doesn't really described what it is or how dense it is or where it is.

Chris said neither does opacity, opacity is completely.

Randy said opacity does describe as total that you can't see the other side. Visual barrier could be two fence post and say I can't see where those fence posts are at that is a visual barrier. There needs to be more description in, you can put a pine tree every 15 feet and you are going to say that is a visual barrier.



Chris said I don't think we are arguing about the goal at all. We get the screening and the fact that you are describing the site in South Carolina as being well screened that would be the intention here to. We are not saying we are going to something lesser in Indiana. I think what we are saying is that we want to know what we have to prove. We use the word prove 3 times in describing the opacity standard. Well it's hard to prove something when you don't know what the standard is. That is the essence of having compliance or not, having an objective standard. We would be fine if you would want to describe what the density is, which is what we are really talking about. Or plantings then have us meet that or not. Then we can be held accountable to that. We don't want to do is have an open-end or something that just feels like it such a subjective quality which is the opacity of vegetation. Which is almost by definition not opaque.

Tom asked if the screening is only around the houses.

Mike said there is screening in commercial districts a well.

Randy said yes there is screening in commercial districts.

Mike said and in industrial.

Tom said when these solar panels are built, only the houses will have trees around the perimeter.

Randy said yes just between where the solar panels are. Not necessarily all the way around the residence, where they join. That would be the only place. Now I have seen others that have said, I'm not sure what the description were, but it basically sounds like the ordinance said if you walk out your back door you don't want to see them. That would mean you would have to screen, probably 2 sides of the property. You are not blocking it totally even at that. So if you have property that only has one side you are only screening down the length of the property. You are no screening the length of the solar farm.

Mike said if my property extends the length of the solar farm, then you screening the length of that property.

Randy said no, you are only screening the maximum of 726 feet, we put a limit on that because they wanted to know specifically what was the maximum they could do. So we said a 5 ac platted both housing lot, we just set it, if you want to change it to a random measure, we just said 300 X 726 as, we looked over the GIS map and just took some general what 5 ac properties looked like. There are not very many square ones out there. You could make it square or you could make however. That limits them to know that maximum length is going to be 726 feet, they don't have to worry about going down the whole 40 acres or whatever you have.

Chris asked where the 726 is measured from.

Randy said that is measured from the property.

Mike said from the front to the back.

Randy said yes, or sideways 300 deep.

Mike said whatever side the solar farm is on.

Randy said yes. So if you were actually only 300 foot deep and your solar keeps going on you only have to screen to the 300 feet. You don't have to screen, say if you only screen what's the property line adjoining the solar.

Mike asked Gary what he thought about opacity visual barrier.

Gary said it's an issue. I agree with both sides. I have set, I have been at all the committee meetings. I have tried to be. I know they have spent, Randy particularly hours of hours and hours and hours trying to come up with fair and comfortable ordinance for both the residence of the county and for the EDPR and the other companies that happen to be looking at. The horticulturist and so I understand the issue of plants, I've study that and worked with that all my life. It is an issue. I don't know where to draw the line, I understand what Randy is saying, and what Matt is saying too. Tell us what you want planted here and how far apart. I understand the issue that Mike brought up that you will have people lay on the ground I guess to look under the tree and say I can see over there. There is something there. I can see both issues and I am not set on either way. I am trying to come up with a way that's trying to serve both groups and be satisfied to have a standard that we can follow. I understand it is difficult to determine what's not visible from this point to that point. I don't know.

Randy said we talked to several landscapers and they say if you want to not be able to see on the other side you do all varieties 5 foot apart. We can put that standard in there but I don't think the committee wanted to force a standard, because there are different species of our variety. Some get tall some get wide so if we go in and say 5 foot apart of our variety, I mean we can do that but it would have to be a specific species and availability of those species come into question. What happens if you can't get green giants you have to get another species? Is it going to be equally dense and wide or is it going to grow tall and skinny? So, for us to say specifically you got to plant green giant varieties 5 foot apart. That was recommendations from all of ours that we contacted so far be Wasson and Zach Hines. That's what they would do to screen something properly. We didn't feel like it was the area planning's job to tell what specific way to do it. It sounds like they want us to say, green giants 5 foot apart we can do that, but then you come to the point where all of a sudden you can't get green giants. So, some Asian beetle came over here and killed them all. So we can do that, I think they would be open to that.

Mike said why not just, the mitigation or the eventually barrier screening become part of the application process that has to satisfy the area planning commission and they the applicate says this is going to be our screening. If you say now it won't work then the applicate has the opportunity 3 things,

1. Go to the land owner and get a waiver.
2. Appeal your decision to the Board of Zoning Appeals, to get a change of your decision.
3. Or meet your standard.

If they say that green giant and you say you can't get green giants, then he has to come up with a different plan. I think if he shows you what he is going to plant and I am sure landscapers can

tell you what that going to look like in 5 years with a picture probably. You'll say that works for us. Just keep it going and make sure it stays there.

Randy said that's ok for me. What about the next director 10 years down the road, you know what the intent of the ordinance is.

Mike said I would say create a visual barrier intended to mitigate the visual impact of this other project facility on adjacent home owners.

Randy said that is very vague to me and I would think that as an attorney you would think that is vague. He said how dense is it.

Chris asked could you provide density examples in the ordinances and say or the equivalent to be determined by the APC.

Randy said here is the problem. It's not going to be determined by the APC, one person in the office say ok I ok'd this. I have seen multiple examples of things that are in the office where a person setting in there has ok'd things that were not appropriate.

Tom said according to you.

Randy said No, not according to me, according to the ordinance.

Tom said they did not follow the ordinance.

Randy said that is exactly right.

Mike said the aggrieved party has the opportunity to appeal that decision even to a point of filing a law suit to have day his/her day in court to correct that.

Randy said that's right they do. Hopefully they could use the mitigation process we have set up in here. To mitigate those types of things. They would come and have a decision made by the BZA whether or not it is appropriate. Then the interpretation I guess would be back up to the BZA again. I think our goal is the same thing here is that you can't see.

Mike said I think so.

Randy said I guess it depends on how you want to go about doing it. We can put examples in there, and that might be appropriate, that is what has been recommended to me is green giants 5 foot apart. I can tell you a couple places that I have seen these and 5 foot apart you cannot see through them. The variety is very dense. Obviously if they die, or at least a year or more replace them. If they die now and you see the planting season is really in the fall. So we are not making them rush out and plant another that will not survive the drought in the summer. You want this to make sense.

Chris said I like the idea of providing a sample like that. That is something that everybody can kind of understand. When it's evaluated at permitting time they can look at that and see if it meets the standard or not.

Tom asked, there won't be any trees close to the road ways.

Randy said no. I mean the right of ways you don't, you can't put anything in the right of ways that's the county property there. We watch that very closely.

Tom asked how close to the right of way will the trees be.

Randy said they can be right up to it if that is what the home owner wants. Depending on where the right of way is and how close it is to the house and to a lane. You have to maintain clear site triangles. You drive up to some of these roads and the com is right there and you can't see. We don't want the trees right up there where you can't see for safety reasons. I think that is very possible to get those examples. That in itself would be a standard to me. We are not telling you that you have to use green arbor, you can use anything you want.

Chris said sometimes people do like a diversity in terms of planting as long as it accents the other.

Randy said the waivers can be used here. The person whose property is affected. They have the right to say they only want a couple pine trees.

Chris said in my experience sometimes you have very common where you discuss with the landowner what species they would like and that helps them buy into the right screen package.

Randy said I did make a comment that if I was doing this and I am not in the solar company, I would sure try a hard sale to stay up with this landscaping on your property. So in 25 years it doesn't disappear. If you tell somebody you are going to put landscaping on the property and you put a couple pine trees and a few bushes and some flowers, I think you could sell that very easily because in the future it is going to benefit them in 25 years or something and it benefits the company I don't know what it cost to tear them out, it is expensive to put them in, I am sure it is expensive to take them out.

Mike said a waiver can always be done.

Randy said with that waiver it gives them all kind of options on what to put there how intense.

Gary said another thing is if you are giving the landowner or the property owner the option, with the computer technologies we have today you can quickly look at the species and what you got there and show what the progress of growth is up to 25-30 years so you can show them what species will do or what that one will do or what the two beside each other would do so on and so forth. With today's 25 years ago we couldn't do that. You had to draw a picture and that was your opinion over somebody else's. Today we basically have the technologies to do that with a click of a button. When you are talking to a landowner/property that is very easily to do.

Randy said I know the big concern for you is going to be shadowing. So we put in there you can top these arbor varieties out of 15 feet is what we are thinking. Our variety can top out and it will just get denser and actually be better for the home owner probably. If they are not wanting to look at it. Planting pine trees might not be an option all the time. You don't want a 30-foot depending on what side of the solar farm you are on. You don't want them to shade out your solar panels that not.

Chris said that kinds of defeats the point.

Mike said above opacity we have perimeter roads. The ordinance requires road along the right of way to be graveled or paved.

Randy said we did that for safety reasons, but not sure if that is needed or not. What we tried to do is deferred that to the fire chief association of Randolph County. I have talked with Charlie Nicholson during the health thing out here I bumped in to him. I had talked to his son previous to that, he said he would try and contact different fire chiefs and see what the risk of that was. I think it would be even good thing if we could get information from like sheriff department or state police. How many wrecks occur outside of the right of way? I would say if that is minimal then you don't have to worry so much about access road. There was concern was down in New Castle someone went through the fence cleared the ditch and went into the solar field. It took them a couple hours to get everything shut off.

Mike said that was because there wasn't a road there.

Randy said they didn't have the ability to shut the panel off for one thing.

Mike said that wouldn't matter whether there was a road there that was gravel or road there that was grass. They still could of gotten there unless, in the New Castle situation.

Randy said I don't think they had access to get into the property.

Mike said I guess this issue was about having that road be graveled.

Randy said yes.

Mike is not sure that adds a whole lot of safety to the situation over a grass road.

Chris said the site is laid out to provide adequate access to the entire site. You typically don't see perimeter roads just because they don't help you get through as much as you think, but more a perimeter lane which is what we like to provide is a grass perimeter lane. The incident of say a drive in, someone who drives into the solar facility, Randolph County will have all the appropriate information on how to safely tum off these panels and get into the facility and help these people out. We don't see a need to pave the gravel roads, it's just a big expense that doesn't have a lot of benefit.

Mike said a well-maintained grass lane would be more attractive going down the right of ways as well. I guess I am inclined to agree with the suggestion here to remove paving and gravel requirement on the perimeter roads.

Gary said require it to be grass and maintained

Randy said for most of the time of the year that would be fully adequate. I have bee hives in different places and I can tell you in the spring I have to go out and feed the bees. There is times a grass lane I can't go down. Most of the time you can do that.

Mike said you are not driving an ambulance, are you?

Randy said no I am driving a 4-wheel drive. The ambulance would never make it to my bee hives.

Mike said public road setback. Ordinance requires a 100-foot setback from the public right of way this renders roughly 60 acres of land per square mile unusable. This stranded property would need to be maintained by either the EDPR or the landowner. There suggestion a reduced setback of 40 feet from the edge of the right of way. Which would be, whatever it would be from the center.

Meeks said usually 60 feet.

Randy said are general setback in Ag-limited or Ag intensive is 100 feet. So, if you set a barn or anything in those areas you are required to stay 100 feet back. That is just the general setback regulation that is in place in those areas.

Mike said is that a setback of what.

Randy said any development.

Mike said the first solar panel or the access road or what.

Randy said it's a 100 foot is start of the SES.

Mike said that would be the access road.

Randy said the fence. That is 120 feet to the panel.

Mike said 20-foot buffer.

Randy said it's 120 feet. He said one example we did find of a situation like this. I hate to say we are making this anything specific to any company were not, we are taking advice from various companies. Originally when Invenergy came down and talked to us, they gave us a recommendation that they would give us 100 foot. If you look in their dealings with Madison County, which had a special exception hearing every time, they were given I believe 850 acres to

put a 120 megawatts system on. The area planning came back and increase the setback to home from 300 feet to 500 feet. Which ate up approximately another 300 acres. So, Invenergy came back to the BZA and granted an additional 350 acres. Because of their setback requirements Madison County, they actually just increased their acreage 300 feet. We don't have a hearing every time so there is no limit to the amount of acreage they don't come back to the ABC to ask for additional acreage.

Meeks asked do they have a road every mile like we do in that county.

Randy said yes as far as I know. So that is an example of one county that setbacks actually increased on them and they just went back and got permission to use more land for that.

Mike said so a confined feeding is a 100-foot setback.

Randy said from the right of way, yes. Like Kritsch's out here on 300, that just sets just about it might be a little over a 100, it pretty close to that.

Chris asked if that was from the center of right of way

Randy said that is from the right of way.

Chris said from the edge of the right of way

Randy said yes. So, if you look at some of these over in Darke County, if you go down Stateline you will think you are driving right into one. He said it is just this side of 36.

Mike said if it is not a confined feeding what is the setback in intensive on a right of way.

Randy said I would have to look that up, I am thinking 35-40 foot for a home.

Mike said for a barn.

Randy I would assume a barn is 100 feet.

Mike said it has been a while since I have taken these notes, but I've got.

Randy said we had a hearing for Matt Dirksen on that on his cattle barn. They reduced the setback from 100 to 50.

Mike asked if that wasn't confined feeding?

Randy said yes, it was a confined feeding.

Mike said I can't compare this to confined feeding as far, I don't want to speak poorly of confined feeding operations, but as intrusive I don't compare this to confined feeding. All though it is going into confined feeding areas, it's a lot more passive. It's an intrusion but ifl

move to the county I will have to take that risk of intrusion. I'm living in the country. I don't have the same services as I have in the city. I am going to have to be faced with some of objections I guess. My notes reflect a 20 setback from a 40 foot from highway, 30 foot from a county road and 25 foot from the city Public Street or road right of way. I don't know what the right answer is but if I am out in the middle of the country I not sure a 100-foot setback for a solar panel is, well a 120 foot really for a solar panel.

Randy said I think it was done more as a consideration of safety and well fair. Again, if we could find out how many wrecks actually occur outside the right of way it would be helpful in the county. If there is not that many I don't think there is that much risk, put them closer. I think the committee's feeling was that the closer you put it the higher risk there is for accidents occumng.

Mike said you are talking the driver.

Randy said per driver. I can tell you from experience that our high school class lost a couple of people going through a fence that was put on the right of way. This can be put farther back.

Meeks said that is right of way and then there is 40 feet ifwe take that then a fence, right. He asked in that 40 feet, what is in the 40 feet, grass.

Randy said it is whatever they want in there, because it is there land. I don't know.

Chris said our interpretation of the way the ordinance is written right now is that, that setback is to the panels themselves. The fence, access road and the trees can be within that setback, but not within the right of way. So we are hoping for a 40 foot setback from the right of way to the edge of the panels.

Meeks said so then the 10 yards. So you are then right on top of, ok

Chris said you would still have about 20 feet between the right of way and that fence then you will have your trees. It's pretty common to see that kind of setback in that industry. You drive over to the Indianapolis airport, which has the largest airport solar facility in the nation. They got that same 40-foot setback off the highway. Leading out of the airport. So it's not some abnormal thing to see there.

Randy said the entire operation in Indianapolis there is only one specific area that is 40 feet. It is right past the overpass coming out of the airport. It's a one-way road and 4 lane highway and look at the rest of the development is way over 40 feet. There is only a section of about 30 feet or 40 or 50 feet that's close to the road. I thought I had a picture in here I can't find it right now.

Mike said so of course you are saying your 40 foot is where the first panel would start.

Chris said yes sir.



Mike said so that 40 foot from the edge of the right of way to the panel would include the perimeter lane, 20 feet, fence and landscape. I guess no landscape there wouldn't be any landscape next to the right of way.

Chris said depending on where you are. So, if you are in AG-L right now it is written that you need landscaping between the right of way.

Mike said ok

Chris said where you are A-NI or a residence for some reason.

Tom said so in Ag-L we are going to have trees to the road way. To me that is a problem, because I drive these county roads and I would rather look at solar panels than get hit from a deer jumping out in front of me.

Randy said that was part of our discussion also. That is another reason with the 100 foot.

Mike said with 100 foot the deer wouldn't be jumping out of the trees.

Tom said you would have a hard time taxing somebody on that 100 foot of land that is basically useless.

Mike said you are right.

Mike asked if Gary had any thoughts.

Gary said no I am open to suggestions.

Randy said you have to remember to that all of these in Indianapolis are by special exception hearings. If you look at the one out by the speedway the panels are probably are about 167 feet from a right of, I guess it is 21<sup>st</sup> street. So I don't know if that is 4 lane or just 2 lane going by there.

Chris said it is 1 lane each way.

Randy said so you are looking at panels placed there and that is specific for a hearing in Indianapolis, you are looking at 167 or 170-180 feet from the edge of the road. The one at the airport there is a small section just pass the overpass that is close. What you got to understand there you are going 1 direction, it's down a steep embankment, and there is a ditch that runs back through that area. It goes from 40 feet probably back to well over 100 feet on the rest of the solar development. It is because there is a ditch right there and on the other side of the road it's not even near that close to them I think. There are examples of where it gets closer, but I think you have to understand this is a hearing every time. We are trying to get away from that here. There are specific areas that 40 feet might work, but I don't know if they will in all the areas. The committee felt like 100 feet was what they thought was reasonably safe.

Tom asked, the committee approved this and proposing this to the area planning.

Randy said so if you have a discussion with the area planning committee what they want to do with it. These arguments will be made to them that 40 feet has been given and hear is the reason why. There are examples of 40 feet in Indiana. I think another thing that kind of concerns us is that a lot of the solar ordinances we look at are just like a few acres. This is going to be 1800 acres.

Tom asked, what was the vote of the committee to approve this.

Randy said through discussions and yeah. You were there the one meeting we talked about it. We said did anyone have a complaint, does anyone want to change it. That is why it goes through open for discussion. I don't know that we actually had a show of hands, but if everybody generally agreed. I think there was people who obviously didn't agree with the consensus some did agree with it. It was pretty much whatever the consensus of the group was at the time. I'm not saying they won't change that with the APC.

Tom was this a committee recommendation to the area plan these 46 pages of yours.

Randy said that's not mine it is oqhe committees.

Mike said so 40 feet is about from this wall back to Angela.

Randy said yes. You are talking about 10 paces. 100 feet could be cleared in 1.25 seconds going 55 mph.

Mike said is your concern that the solar panels are going to distract the driver or the solar panels are going to injure the driver.

Randy said I think either way, we kind of discussed both of those possibilities. Over time I don't think they will be a distraction or you want to screen the road, but I don't think you want to do that.

Mike said in limited we going to.

Randy said in limited you will or get a denser population out in the country I don't think too many people will be traveling the road that was a big issue.

Mike said we are never going to have as many people as the airport has driving down that road.

Randy said no, but then you are not in an AG area. Randy said maybe it is I have not every been.

Mike said another reason for a special exception.

Randy said yeah.

Mike said because they are not in an AG area.

Randy said this is the only ordinance we have found anywhere that does not require a single hearing. Once you meet these developmental standards. They all have developmental standards. So far to say each one of these is going to be unique, so how do you set standards that going to meet all possibilities that's the problem. So, some AG-Limited may be fine, so may not. In our search almost all of them had special exception hearings. They had developmental standards very similar to all of these that are in here. They also had special exception hearings.

Mike asked Chris if that is what his experience is.

Chris said I defer to Randy on that, he has looked at the other ordinance quite a bit more than I has.

Mike stated, I mean as far as your development project developments.

Chris said we haven't developed too many solar facilities yet. Just really down in South Carolina.

Mike asked if they had special exception hearings.

Chris said I am not sure on that.

Tom said I think you bought them to sale.

Chris said I think those where in the construction process when we bought them. He said what you are trying to achieve. If you want to make everything go through a special exception process then, I thought the objective in trying to come up with these very discerning development standards was to avoid the hearing process and really streamline the project process with the idea being that if you meet these objectives standards then you are good and we are not going through a hearing. So that is what we are trying to do is get the last few developments standards nailed down so we know what we need to go through. I don't think that is unusual for some communities that embrace solar energy.

Mike said the wind ordinance is that. I don't think I'm going out on a limb to say the wind ordinance has worked pretty well. One could argue that a wind turbine is a lot more intrusive than a solar panel. Others would argue the other way around just like opacity. One could say I can't see anything and one could say I do. I guess we are a long way away on public road or right of way, 120 feet versus 40 feet and Tom makes a good point in that there is going to be 120 feet out there and what is it going to be used for.

Randy said its tax based.

Meeks said its forest land not even productive farm land

Mike asked if forest land is assessed higher than productive farm land, not yet I guess.

Meeks said you are actually taking it out of taxpayers.

Randy said the other acres more than compensate for that.

Mike stated it is about safety basically,

Randy said I think it is safety most of the reasoning that they had on that issue. The recommendation of other companies and also observing other ordinances. The setback in other ordinances.

Tom asked how far does a car travel in 100 feet.

Randy said 1.25 at 55 mph.

Tom said so if you have control of your vehicle and you are going 55 mph, you are going to hit it whether it's 40 feet or 100 feet.

Randy said depends on which direction you are going and how drunk you are I guess.

Gary said come up with some suggestions and take to the APC which is going to meet Wednesday night. So they have something to work with, right now we are still right where we are.

Randy said I could see the argument either way.

Gary said if the suggestions is from both groups, from the commissioners as well as EDP. Some range they could live with, I know you guys are going to be there Wednesday night again. Something to start with rather than start from scratch where we have been spending. We have spent 45 minutes discussing it.

Randy said I don't think this is a game changer because Invenergy after 355 acres. He said you are going to build a tax base on 350 acres changing, looking for the special exception to use that extra, I think there is 120 acres is involved here.

Chris said 60 sq. mile

Mike said I think it's comparable.

Gary asked what is the answer to the panel. To the fence or to the panel.

Tom said to the fence is a start. When you say 40 feet to the panel.

Mike said from the edge of the right of way to the panels.

Gary said so they are moving it out about 30. He is moving it out more than that.

Tom said 12 foot.

Gary said he is moving it out 25-30 feet because of the clearance, he is not going to put the driveway right next to the fence.

Chris said you would have your edge of the right of way.

Gary said go from your panel back the other way.

Chris said you have your panel, the 20 foot, from your access area, then you have the fence then you have 20 feet between the edge of the right of way and the fence. That area will be either screened as AG-Lor just be maintained grass otherwise.

Gary said so you are saying 40 feet to the panel then would be acceptable.

Chris said yes, from the edge of the right of way.

Gary said from the panel going back toward the right of way, you are saying that spread should be 40 feet.

Chris said yes.

Gary said that is someplace to start with.

Mike said Tom said 40 feet and I think 120 feet is to much. He said confined feeding set backs for a confined feeding operation may be 100 feet, but I don't think that is general agricultural set back. He said he thinks it is 40 feet.

Randy said I'm not sure. He said the general set back of 100 feet is just listed under Ag-Intensive. He said he has not had anyone build one that close.

Mike said permitted uses, 40 feet secondary artial. Minimum front yard setbacks.

Randy said 100 foot is general setbacks. So, what that is in reference to, I can't say for sure.

Mike said you have to set back a house 100 feet.

Meeks said it is minimum of 300 feet for confined operations.

Mike said from what.

Meeks said any use of confined operations of livestock shall be located a minimum of 300 feet from the lot line of any residential use.

Mike said that is different than a right of way.

Randy said the 100 feet may reference property lines.

Mike said what I read a front right of way from a county road is 40 feet, from a primary it is a little larger, from an interstate highway it is 100. So, I think 120 is to much, but when I originally read your proposal of 40, I was thinking that included the 20-foot bumpers, so I was thinking 60 which is a little shy of a compromise.

Gary said I think those are figure that the committee can work with.

Mike said the next item is the transmission cable burial depth.

Randy said the committee has a not that they are leaving that up to the surveyor and drainage board.

Chris said right now it is showing at 60 inches depth, Headwaters wind ordinance requires 42 inches and you're asking for 48 inches, when you go down to 60 inches you open up the OSHA requirements to where your trenches need to be supported, so they don't fall on themselves and potentially endanger a worker and that adds quite a bit of cost and safety concerns. He said that they think the 48 inches is a pretty fair number and we have not had any land owners complain about that. He said that is a typical depth for wind farms.

Mike said your mark up of the ordinance talks about in accordance with the latest NEC standards and I presume that is outside of the fence.

Chris said he said what I just spoke about was just pertaining to NV cable outside of the fence. He said inside of the fence, we would prefer that there aren't any burial depth requirements and we would just follow the NEC standards. He does not recall the exact burial depth that is required by NEC but it is between 22 and 36 inches.

Meeks said I am not sure that it makes any sense for us to have any difference standard than what the wind ordinance says. He said that would become confusing as to what we are doing here.

Ed Thornburg said the 48-inch depth is satisfactory with him, I am very aware of the OSHA standards. He said 42 was never the right depth in the first place. He said he would like to see us change the wind ordinance to the 48-inch depth.

Meeks asked how deep is are normal county tile.

Ed said 24 to 120 inches. He said most of them run in the 4 to 6-foot range.

Mike asked Randy ifhe had a reason for 60.

Randy said that was taken out of Jay Counties ordinance.

Ed said I like 60 but because of the OSHA issue I'm willing give in on that.

Mike said we would not control what the land owner says anyway, if you are going across a land owners' property they are going to tell you how deep they want it.

Chris said they have had cases where the landowner specifically requested 60 inches and, in those cases, we honored those requests.

Gary said if we set it across the board it gives the land owner something to look at and that gives them an option at that point.

Mike said I am ok at keeping it at 48 and within the fence, I'm not sure that is any of our business as long as they meet the law, the standard of NEC.

Mike said the next item is residential set back screenings, we have kind of touched on that earlier. He asked why would you pick 300 feet. He said with wind it is one- and one-half times the tower height plus blade which is not 300 feet, he said it varies depending on the height of the tower.

Chris said 300 feet seemed like a pretty standard setback number to use. He said the goal here was declared by the residential setbacks standard requirements and give us essentially three options to choose from. He said one would be a set back from a home of 300 feet, the alternate would be a setback from property line of 20 feet plus screen and the third would be if we can achieve a waiver from the home owner, we could setback just 20 feet from the property line without screen.

Mike said your spreadsheet has 70 feet from property line plus screening, is that a typo.

Chris said that should be 20.

Mike said is that to the landscape or is that to the road. The landscape would be within that 20 feet. So, then it would go to the fence.

Chris said yes.

Mike said our ordinance provides for 220 from the property line or the home itself Randy.

Randy said they are all from property line. He said Madison county went property line or/and 500 feet from the residence. He said you had to keep them 500 feet from the residence and if that was an issue you had to keep them 200 plus feet from the property line. It would be the greater of. He said ours did not have anything in there about residence but that could easily be added. He said the example they gave and really does need more clarification, the ordinance says something about a diagram, so that the intent could be known. He said it was never the intent to have a house a half a mile away to be screened even though it is all a 120-acre tract property. He said obviously that house would be much further than that.

Mike said a half mile is a lot longer than 300 feet.

Randy said he understands now why a lot of these counties added the distance to the residence, the greater of.

Mike said 300 feet from a home is a long way, 20 feet from a property line could be a not very long way if somebody is living close to that property line.

Chris said if we choose to build 20 feet from a property line, we may not have a neighbor agreement with that land owner, then we would have to put in screening. He said at this point it doesn't really impact the home owner anyway because there would be a row of trees there.

Mike said what if I don't want my row of trees there. He said it just strikes me that is closer than the right of way setback, it just strikes me as not right.

Chris said the thought on the right of way set back is that it is more safety oriented.

Mike said 20 feet if from here to that front row of seats.

Chris said imagine a 15-foot arbor right in the middle.

Mike said he liked it better when it said 70.

Tom said that is when the landowner says it is okay with me.

Chris said if you want to move that to 40, it would not be a big sticking point for us.

Mike said it seems awful close to me.

Randy said the reason we put the waivers in, is so the landowner can decide how they want it to look.

Mike said in general speaking was that you want the company to talk to the neighbors. He said he thinks that they do that.

Meeks said his thought is if I own that property or that field right now, I can put a tree there and I can put a fence up, I can do whatever I want.

Mike said how close can I put a barn.

Gary said I hate to leave it all up to the landowner without the company having some idea of what their parameters are to start with and then they would negotiate with the landowner. He said we have to have some type of regulation here.

Mike said he likes 400 feet from home, 40 feet from property line with visual barrier and 20 feet from property line with waiver, no screening.



Tom said what is the difference between 300 and 400.

Mike said it is consistency 400, 40 and 20. He said Madison County is 500. He said he is just throwing that out there. He asked Chris what he thinks.

Chris said he is totally on board.

Mike said it brings in the home, he said he thinks CAFO is almost 1500 feet from a residence and the windfarm is 1 ½ times the height of the tower plus the propellers and that is a safety issue.

Chris said just to clarify, we have three options.

Mike said 20 feet would be the minimum, but I don't think we want the solar panel on the property line if they are 400 feet from a residence.

Randy said the research that the committee looked at, there were like four or five factors that would affect property values. One is the size of the solar farm and this is proclaimed to be the largest in the state. He said the second is what was there before. So obviously if there was a junk yard or something like that there before, the property value would actually go up. The other issue is how it is screened and the fourth issue is proximity. He said in that research that's partly where that 200 foot came from. It would have definite effects on property values. He said if it is screened properly I think you could do more. He said that is the initial understanding of the committee, those factors that determine what impact that's going to have on your property and your enjoyment of your property and how it's used.

Mike said if we would recommend allowing it in all ag areas and recommend 400 feet from a home and 20 feet from a property line with no visual barrier or 40 feet from a property line plus visual barrier or 20 feet from a property line with a homeowner waiver for solar panels, if we would recommend that, if I am in an A-1 or A-L now, I can pretty much build anything I want within that range other than a confined feeding operation or a commercial operation or a wind turbine. He said I can build a barn and have hogs, cows or chickens, if the setback is 20 feet I can have 100 chicken, with 5 roosters crowing every morning and that would pretty much disturb me. He said I do not have to have any ordinance to tell me that the ordinance already allows that. He said to their point, I can put a pig right next to somebody right now with no setbacks and put a barn within 20 feet of the setback or 15.

Randy said industrial use covers 100 feet.

Mike said that takes us back to the argument of industrial or agricultural use.

Chris said one point on the neighbor discussion is, we really do try to be good neighbors and something we are doing now and will be doing over the next few months is reaching out to everybody in proximity to the project and offering them neighbor agreements which gives them a yearly payment just for being our neighbor. So, your getting an economic benefit in these areas.

Mike said we want to take the position that we are open to these developments, he said we have taken that with ethanol, we have taken that with wind, and now we have an opportunity with solar, and I'm going to say the wind farm has benefited the county. The solar farm can benefit the county if it is done right and that is what we are trying to figure out, what is right. He said if you become too restrictive and solar does not want to develop then who is harmed by that, the landowner who wants to enter an agreement with the solar people. It is still their land and they can do with it what they want. There was concern about the loss of property value with CAFO's being built and with wind turbines being built and I'm not sure that has all panned out.

Randy said with the set back of Cafo's that Simi gated that, any property value loss. He said the committee thought that there wasn't anything, they put in this ordinance that would prevent any investment of solar in this county.

Gary said that was not the objective.

Randy said if they had any ordinances that was trying to keep solar out, they threw it out, the ones that they looked at were kind of the averages actually what we found in those ordinances. He said we did not go to the extreme, we took the middle of the road and our goal was to know that there is going to be people that don't want solar and to try and write this so that they would be acceptable to this ordinance and to solar. He said part of that was to include this waiver. That just give more opportunity for that neighbor to be enticed into going to the neighbors and negotiate that waiver. That is obviously a way the neighbor can gain, as you have already said you are willing to do, but we can't assume that every company we get in here will be as good as EDPR. He said this ordinance is written for all investors coming into the county. He said they have been told by those in South Carolina and other places that within the five years that their Solar's were built, they were sold and by the end of the project which is 25 or 30 years it had been sold five times. He said we are not just dealing with a good company like we have with EDPR and this ordinance has to be written for everyone. He said yes, they are willing to go to the neighbors and make payments to them, but this 200 foot was a way we thought would entice all companies to try and get these waivers.

Mike said they didn't mention anything about a waiver. It is just a good neighbor policy. He said the question is, is 220 feet next to a residence is that over kill. He asked if anyone had any thoughts on this. He said this brings us to our last point which is adverse effects. Are there any questions regarding burden of proof? He said he and Randy went around and round over this one day.

Randy said the discussion went like you don't know what you don't know. He said in adverse effects, we listed several things about the ways and what not in here and iii basically says that a complainant has to prove he has a valid complaint and it is caused by whoever the investor is in that solar farm. He said what this basically does is mitigate between the developer and the individual and what we basically thought was there is a jeopardy there that we don't know about, nobody is going to tell us. So, this covers anything that might arise later. He said it is a big expense of time and energy and attorney fees to go back to the unified zoning ordinance enforcement.

Mike said on page 17c the applicant has the burden of proving that any color, finish or glare produced does not have a significant adverse impact on the basic uses for assigning mitigation.

Randy said we have been told that there is no glare on these, so if that is the case there is nothing to worry about, is there.

Mike said the question becomes if I make application and I say they are going to be tanned colored and there is no glare, do you approve that.

Randy said it would get approve, it is a manufacturing standard.

Mike said then why does that need to be in here. If I told you this is what I am doing and you have excepted it, what do I need to do beyond that.

Randy said what prevents you from putting a shiny chrome plated one in.

Mike said you do. He said it is part of the application process.

Randy said if it is not in the ordinance then I cannot enforce it. He said it is the same as the opacity, if something is not in there like an example of what it needs to be, it is unenforceable. He said if they are telling me there is no glare to these things then what is the complaint about putting in there no glare.

Mike said (a) says that, the solar energy system shall remain painted or finished in the color or finish that was originally applied by the manufacturer, provided the exterior surface of individual components are non-reflective and neutral colored like grey or other non-intrusive colors. Finishes shall be mat or non-reflective. That has to be part of my application process or I'm not going to get approved.

Randy said no. So, your complaint is (c).

Mike said (a) says I have to do that and if I have to do it then I don't need (c) which raised the question that I not only have to prove it to you, but I have to prove it to the neighbor, or it could raise the question that I have to prove it to a lot of people and I think once the application is approved, its accepted. He said if I changed that then you go back to (a) and go back to the application and say wait a minute you've changed your application, we are stopping it.

Meeks said and then you go to court.

Mike said if they don't like the fact that you stopped it, they can appeal to the BZA and then you go to court. He said we have had this conversation before, but I don't think that (c) is necessary in there.

Meeks said he agrees.

Mike said which goes on to adverse effects and if I'm reading this right, it sets up a whole new way to adjudicate complaints about adverse effects. He said EDPR is saying we've already got that in the unified zoning ordinance to do that.

Randy said only if it is specifically listed. He said if you didn't have noise limitations in there and the neighbor comes over and says there's noise, it is not enforceable through the unified zoning ordinance. He said there may be other things in there that we don't know about, like I said you don't know what you don't know. What are all of the adverse effects, we don't know.

Tom said why come to work every day, when you don't know what is going to happen. How far do you go to make people take assumed risks for your life? Who would want of put money in something and then you have to tum around and prove everything, because they don't like you. How do you enforce something like this?

Randy said the enforcement is right in there, you go to the BZA basically and they decide.

Meeks said I would take adverse effects out. He said if we don't want solar farms then keep that in there, if we do want solar farm we need to go through our normal process. He said if there becomes an issue then you go to court. He said adverse effect is very common in farming, that is why we have the Freedom of Farm bill in the state of Indiana specifically for these adverse effects.

Randy said that was not our intent.

Meeks said I would take it out and then it is either a public or private nuisance and there is an avenue for them and that is going to court after they exhaust other procedures.

Randy said we were just attempting to have a process of mitigation that would keep everybody happy and obviously that is not possible.

Gary said that is information we can take back to the committee. He said it was never the intent to keep solar from coming here. He said they actually tried to work with Paul back in the beginning of this, there are some counties I'm sure that put together a solar ordinance without having any input from any of the companies. He said they were just the opposite, any of the companies that wanted to be involved, we asked for input. He said we looked at their input and discussed it. In my opinion, except for this particular issue which I understand where you are coming from with this which I had not thought of before, I think this has developed into a decent ordinance, considering the number of major issues. Randy, the committee and myself have put in many hours coming up with this and I think we are to the point where these issues can all be resolved. It is just a matter now of sitting down with this group and working to this point and now we go back to the committee and work out the points. He said all of the committee members are opened minded individuals and are just trying to come up with ordinance that is going to be workable with the companies coming in and be workable with the people living there and be workable with the people of the county. He said that is what the objective is.

Tom said he would make a motion to accept these seven principles that they have brought to us with the changes that Matt and Chris have made and recommend them to the area planning comm1ss10n.

Gary said we have modified them somewhat, so I think it is more with the modification. He said he thinks the discussion should go back to the committee and try to work that out on Wednesday.

Randy said I have highlighted these issues on the one sent to the ABC.

Mike said you are having a public meeting on Wednesday night and I don't know if you have been able to solicit comments.

Randy said there has been very minimal notice to the public here. He said that troubles him a little bit.

Mike said social media is where the public gets their information. He said do you want me to go through these and summarize them.

Randy said if you would.

Mike said number one is adverse effect and I would agree with Meeks that (c) on 17 and the process on 22 should be removed and just follow the current unified zoning. He said if Tom or Gary disagree my opinion you can say so when I say it. Number 2 the zoning district, we need to somehow accommodate solar farms in limited ag districts, but also protect incorporated communities and the residential set back, my recommendation was 400, 40 and 20 and that is just a thought process to meet somewhere in the middle. I think we are in agreement of burial depth of 48 inches and the NEC standard for burial dept for within fence. The public road setback the ordinance says 100 foot from the edge of the right of way, EDPR is recommending 40 feet, I think there is room for compromise there, I thought 60 might be good. He said we are in agreement that a grass lane would work as opposed to gravel and paving. He said we kind of talked about a density definition as opposed to opacity or a visual barrier, so somewhere there we define what density would look like and make that part of the application process. What time is your meeting Wednesday night Gary?

Gary said it is at 7:00pm.

Randy said so we want more of a density description instead of opacity.

Mike said yes.

Gary said Chris I have not been involved with you at the meetings and so on but what is your means of right of the roads, do you mow them graze them or what is the means of keeping the weeds and stuff down.

Chris said inside of the fence right now we are planning on following the examples from our South Carolina facilities, so right when everything is built up there will be grass installed and

then over the next few years we will be planting prairie grasses, eliminating weeds as they pop up until we have it stable and then at that point you really just have to mow and maintain the grass once a year. He said treat weeds as they pop up and sometimes you may have to trim the grasses, if they are shadowing the panels. He said it is really a low maintenance option and has a great impact on the environment.

Randy said the access lane will be mowed.

Chris said that part will have to be mowed.

Mike asked if they are going to plant any wild flowers in these areas.

Chris said during the construction process, in that initial set up of the grasses, probably not. He said once you get into operations there will be opportunity for that. He said maybe we could partner with an environmental group, or just get funds to plant those flowers in certain places.

Mike said maybe Solid Waste could get involved. He said the e-mail he received from Meeks this morning said that you are looking to hopefully submit an application by August 14.

Chris said we are really excited to get started on this project. He said we want to apply mid-August and then break ground on the lay down yard maybe do some preliminary grading and work on the substation and set up a temporary. He said from there we would work non-stop through the winter, weather permitting all the way up towards the end of 2021 when we would complete the project.

Mike said we meet on August 3 and if we could have a recommended ordinance by that time from the Area Planning Commission then we would have to rush that ordinance through so if we want to take our normal time schedule we would need an ordinance by the first of July.

Meeks said you would have to have a public hearing.

Randy said the public hearing is scheduled for July 22.

Chris said we have to incorporate all of this into the design so we were hoping to accelerate the schedule as much as possible, maybe even having a special meeting for the public hearing, just so that we can get this part of the ordinance worked into the design and be able to submit permits in August.

Meeks said that would probably be up to the area plan. He told Randy to make that proposal.

Mike said right now you think the public hearing is when.

Randy said July 22.

Meeks said that is their normal meeting.

Randy said it just depends on how Wednesday goes and how long it takes to incorporate everything.

Mike said if you do a public hearing on July 22, then without a special meeting you would be looking at August 21.

Randy said the newspaper here, it is next to impossible to get the legals in, in time. He said from one meeting to the next we are putting legals in the paper right a way and it is taking 20 days.

Chris said he was able to connect with Winchester Newspaper and they said that we would just need to get them one week's notice.

Meeks said that is what they tell him too.

Gary is there a difference in the time factor from this public hearing than normal.

Meeks said you just have to have it 10 days prior notice. He said it is just like our public hearing this morning.

Mike said either way to fit your timeline, there is going to have to be a special meeting.

Meeks said the Commissioners can meet anytime, they are pretty flexible.

Mike said we have plenty of meetings but we can't act on an ordinance unless it is brought forward by the Area Planning Commission and that has to be recommended by the Committee prior to being done and then if we agree then we can suspend the rules which I don't know that we have ever done. He said we are getting ready to talk about one this morning that we did not suspend the rules on.

Chris asked if the Commissioner's had any interest in talking about the EDA and the Decamp today.

Meeks said he had sent that on to Rick Hall for review.

Randy said on the meetings and hearings are we going limit it to the number of people that can be in a group now.

Mike said it is 250 now.

**Mike Haffner - Highway Department. Emulsion tank**

Mike Haffner said we had our tank expert come and evaluate our old tank and he highly recommends that we get rid of that. It would be costly to move it and they wouldn't be able to guarantee the components inside of it. He is willing to give us some trade money. Basically, the total project with a new tank, new concrete pad, finishing out the electric and getting a crane over there to install it, it is going to be \$51,000 to \$52,000.00 area. He said it will be at least this fall before he would be able to get a tank.

Mike asked if that is the same size tank.

Mike Haffner said they quit making that model, it would be a 6000-gallon tank. That is about 800 gallons bigger than what we currently have. He said we don't have to make that decision today, I am just giving you information.

Mike said we can still use the current tank.

Mike Haffner said yes, we are still using out of it now. He said we can table this to a later meeting to discuss it.

Tom said I'm surprised they are giving us that much trade in for the old one.

Mike asked how much is it.

Mike Haffner said \$15,000.00. He said the trade in is \$39,500.00 difference. He said the controls on the gate have been installed. He said the only thing else he has regarding the solar, keep in mind trees are not a good thing for roads, they create blind spots for traffic, if the wind is not blowing in the right direction they can hold snow. He said it give more opportunity for deer to jump through, evergreens are probably the worst type tree that a highway can have for creating blind spots and they grow significantly in size over the years.

Tom said that is a safety that I am very concerned about.

Mike said Randy mentioned the limited zone and I didn't see that in here.

Tom said he wanted to make sure that is around the houses and not along the roadway.

Gary asked Mike Haffner is there anything else on the punch list that is not done, now that the fence is done.

Mike Haffner said as far as the punch list, the lighting is getting really close, they are changing it a few eyes at a time, so I would say the lighting is about 75% now, so the only two items I think is the generator, the paved parking lot and of course the salt. He said the lighting is the only think I am keeping up on, because the paved parking lot and the generator and the concrete is in Tom's hands.

Tom said Cripe has not called back about anything. He said he talked to Danny Stamper from Thor Construction on Thursday or Friday and he has negotiated with Evapar and he has ordered the 150kw generator outside of this restocking agreement and he will have it installed regardless of what Cripe does on the restocking agreement. He said the concrete, I think we are stuck with because they are saying the plans got changed and it is not their fault, but anybody that knows you are going to have that much concrete, its going to crack, it should have been cut, wet cut it and then caulked it and we could have controlled the cracking. So, we are stuck with that unless we want to try to make Cripe do something and then it would go to litigation.



Gary asked where are we at on road inspections for Headwaters II.

Mike Haffner said they have asked him to analyze the roads as of now what is damaged. He said that is unfair because if we allow these roads to sit over winter now, the likelihood of seeing more damage over the winter. He said I needs to get with Tom and have some guidelines on what is recommended because I think they are asking an unfair situation of me right now.

Gary said I was on 700, like I called and talked to you about.

Mike Haffner said I have done some significant repair to 700 but it is still a long way from being good.

Gary said the issue is when people call me, this is just the reverse of what we did before, the roads were dusty in the construction zone, but they weren't tom up. He said they are tearing the roads up and you cannot hardly drive on them and then Mike told me the other day that they did not want him out there to much because its in the way of their trucks.

Mike Haffner said we made arrangements for Saturday work with overtime for the Highway guys to be on 700 and I called and they were still running concrete trucks on 700 that we had to work around. He said they are trying to get a game plan because they have pretty much refused to stop their traffic. He said he keeps saying to go out to 36 and go around and not use 700.

Tom said they are in trouble because they have at least one foundation that they have to tear out.

Gary asked what happened to it.

Tom said they did not pour a pad fast enough apparently.

Mike said they want you to inspect the roads before winter and give them a condition report.

Mike Haffner said they want a response from me right now and I am trying to give them a potential dollar amount because they want to pay us one lump sum right now. He said I told them \$5 million and they about had a heart attack. He said 900 W alone to grind it and repave it, you are probably talking a million dollars just to replace one road.

Gary said that is the only way you are going to fix it.

Mike Haffner said they don't think they have hurt it. He said it is not going well and he has asked them to come have a meeting with the Commissioners.

Mike said the way we are going about it this time around, they say they over protected the county roads the first time around and this way is going to save them money and still have the finest roads, but I don't think that is going to work. I think the first time around was an appropriate way to do it. Tear them up, build them up, use them and then replace them.

Mike Haffner said I have always said if they are on 40 miles of road whether it is heavy traffic or not because now we have 500 tom up, we have 600 tom up because they are the sheer mass of the equipment on there. He said he doesn't have a scale on his truck but some of the cranes that he seen going down 500 S.

Mike said you shot them a number of \$5 million.

Mike Haffner yes, but it is probably going to be over \$5 million and they are thinking it can all be done for \$2 million. He asked them how they were thinking that, you have 40 miles of road, you are at least \$125,000.00 per mile.

Tom said we have 40 miles of roads impacted totally.

Mike Haffner said that is the number of roads they are on, is about 40 miles. They claim 19 miles, I claim 40 because they are saying 19 is their heavier traffic and they shouldn't be damaging the other roads, well they are.

Meeks said get the inspector out there.

Mike Haffner said we have already had a meeting with the inspector and he has already been out there.

Mike said 40 miles times \$125,000.00 is \$5 million.

Mike Haffner said that is what I gave them.

Mike said you are saying you want to raise that.

Mike Haffner said no, I told them that \$5 million in my thinking would be the minimum of the loss.

Mike said that is the problem with doing it this way is we could short change ourselves and I don't want to short change ourselves.

Mike Haffner said you let these roads lay over winter that are all busted up and cracked and let the freezing and thawing now we are going to be in serious trouble.

Mike said stick to your guns.

Mike Haffner said I have been.

Meeks said as long as you have a rational basis.

Mike said 40 miles of road \$125,000.00. The other issue of what the winter is going to do to them, because we are not going to repair them before winter.

Mike Haffner said keep in mind that some of the roads are going to be better than others, 700, 1000 and 500 is probably the worst. He said 1100 Wis still holding up pretty decent. He said I am not saying it doesn't need repaired but we are not seeing the soft spots and we are probably not getting the complaints. He said if you are let me know.

Mike said the complaint I received was Indian Trail south of 36. It might not have been wind farm related. Did you follow up on that one?

Mike Haffner said yes, he has the total patcher to try to fix it.

Gary asked Mike if they have completely moved everyone.

Mike Haffner said all of the employees are moved out there, we still have a lot of moving to do, but we are in full operation out of the new facility.

Tom said I have a fellow that has asked about leasing the old facility, he does lawn care work and needs something in the county. What do we want to do with that building when it is vacated, there are a lot of parts and stuff still out there?

Mike said he has had two people reach out to him.

Gary said it is something we need to discuss, I don't think we will be able to sell it.

Mike Haffner said I am still using the facility.

Mike said we are not going to take it away from you.

Gary said no, but we need to keep it in mind.

Tom said leasing would make sense, the way the highway budget is going to be cut next year, any money we could add to the budget and would be helpful.

Mike said leasing would also make a situation where if opportunity came along it might give us time to make a longer-term decision.

Tom said how long before you would be able to lease it. How long before someone can come in there and start using it and not interfere with you. The emulsion tank and the fuel tank part.

Mike Haffner said I personally would like to keep it until the first of the year.

Tom said other than the emulsion tank, do you need the inside of the building too.

Mike Haffner said the main building that has all of the parts and components, I haven't even begun to work on my shelving to be able to move that kind of stuff.

Tom said your looking at three months at least.

Mike Haffner said yes, right now it is pretty much all men on the roads and I don't have any manpower to even move stuff

Tom asked if he had any prospects to hire.

Mike Haffner said no, he said I have a couple of prospects that are potentially non-CDL that we may be able to hire and do some training, but that is another thing that we have to work on.

Mike said you realize he said 5 ½ months. He said the end of the year, that is 5 ½ months.

Gary asked how many employees are you short.

Mike Haffner said I am really down four employees, we did not fill the two positions from last year and I am short two more. He said I am still looking at it as I am down four. He said if we continue to be down these two, even with management driving all the snow plow routes we won't have enough to cover the snow plow areas. He said he has not had the best luck because of wages to get part time snow plow drivers in so that is something during budget times to consider \$30.00 per hour for part time snow plow drivers.

**Other Business:**

**Art Movstner, Randolph County Sheriff**

Art has nothing.

Mike asked if he has talked to the Mayor about our upcoming walk.

Art said he has talked to the Chief of Police. He said we have been discussing some things and I have been trying to track on social media to get an idea of what we are looking at. He said I have heard some rumors of a couple different thing and I feel better after this weekend, I think a couple of those groups are communicating with each other. It is one of those situations that I think is going to be peaceful what they are doing and it is absolutely their constitutional right and as long as it stays peaceful. He said there may be some overtime because he is going to have some guys on standby and available and in order for me to limit their movement, I have to compensate them for that. He said he wants officers available and he is going to reach out to the state police and talk to them, if there is a need we can contact them, other than that they are going to try and keep a very low profile for the event and hopefully everything goes off without an issue.

**Regular Claims \$619,096.37**

Gary made a motion to approve the regular claims as presented. Tom seconded. All aye votes. Motion carried.

**Payroll Claims \$219,999.99**

Gary made a motion to approve the payroll claims as presented. Tom seconded. All aye votes. Motion carried.

**Pyramid Claim \$7542.00**

Gary made a motion to approve the Pyramid claim as presented. Tom seconded. All aye votes. Motion carried.

Tom asked do we know how tall the towers are going to be at the highway garage.

Gary said 300.

Tom asked if they got the FAA approval.

Gary said the last meeting and we are going to have another meeting tomorrow, but the last meeting I was at they were 98% sure.

Mike said I am not sure the FAA, they just had a hearing and are going to hold a hearing to ask for public comment.

Gary said supposedly it is all going to be done before tomorrow.

Tom said he received an email that made it sound like it was in doubt.

Gary said I just got an email from Terry talking about the meeting tomorrow and he said they are moving forward. They are planning on going out for bids the first or second week of July so they are finalizing everything tomorrow.

**Cripe claim 8/2/19 \$1276.55**

**Cripe claim 9/3/20 \$932.20**

**Cripe claim 12/31/20 \$222.98**

**Cripe claim 5/7/20 \$626.16**

Tabled

**Minutes of April 20, 2020**

Mike asked if there are any additions, corrections or deletions to these minutes.

Tom said I believe the purchase price of the vehicle at the airport should be \$24,000.00 and it says \$44,000.00.

Laura said she can go back and listen to the recording and fix it if it is not correct.

Tom said with that correction, he would make a motion to approve the minutes as presented. Gary seconded. Mike said did we have it listed for \$44,000.00 on the insurance.

Tom said he turned it in as a value of \$24,000.00 and I talked with two different people that said it was worth about \$10,000.00 so I forwarded that to Jentry.

Laura said you were supposed to get with Jentry on it.

Mike said do we want to make that change.

Tom said you gave me permission to change that insured value upon checking with some people.

Mike said we bought it for around \$30,000.00. He said all in favor of the motion signify by saying aye. All aye votes. Motion carried.

### **TIF Management Report**

Mike said the TIF Management report we received via email, any questions or comments.

No questions or comments.

### **Ordinance 2020-03 - Second Reading**

Mike said the second reading of Ordinance 2020-03 an Ordinance to amend the Unified Zoning Ordinance with regards to subdivision control ordinances as you recall this is one that changes the rear set back on lots less than 100 feet deep on cul de sacs.

Gary made a motion to approve the second reading of Ordinance 2020-03 by title only. Tom seconded. All aye votes. Motion carried.

### **Set EDIT Meeting-Winchester**

Mike said we need to set an EDIT meeting for Winchester. He asked if the Commissioners wanted to set the meeting for July 1<sup>st</sup>.

Gary said that is okay with him.

Tom said it is okay with him.

Mike said July 1 at 6:00pm.

### **Mileage Rate**

Laura said I sent you what Danita received from the state. She said when the Clerk turned in her election pay, because they get mileage, she turned it in at .39. We went back and checked the minutes from when we changed from federal rate and it does just say that we are going to state rate. She said state rate is now as of March 1, .39. I told Danita that if the minutes just said we are going to state rate, then it would be okay to pay it. That is what the minutes said, so she paid the mileage to the election workers .39 as requested and we just wanted to let the Commissioner's know that is what we did.

Mike said going back and looking at the insurance documents, he did have it listed at \$24,900, if it was \$44,900.00 it was a misspeak.

### **White River Fire Station Contract Status Inquiry**

Mike said the White River Fire Station Contract Status Inquiry and this is from the bonding company. He said the contract was completed February 2020 and the final contract price was \$931,024.00 and I think they would like to have Atlin Construction released from their bond.

He said we need to decide to do that. He asked are we ready to release Attlin Construction from the bond.

Tom said is White River Township okay with it.

Mike said they have accepted the project.

Gary said that does not mean that all of their punch list is done.

Mike said do we know.

Gary said the tower is not done, is that part of it.

Mike said the tower is up now, but that is not part of the Construction.

Tom said there was a tower sold down at Greenfield at an auction, it was an existing 400-foot radio tower and New Lisbon owned 1/3 of it and the auction price was \$155,000,000.00.

Mike said I did not know that but I do know that those towers have a lot of value. He said WZZY radio owned a couple of towers between owned several towers between here and Cincinnati and they sold one of those off and it was maybe not 9 figures, but it was six or seven.

Laura said if there is not a deadline on that, I can call Susie Girton.

Mike said yes, call Susie and have her send you an email and say that they have accepted the building and they are ready to release that bond.

Tom said does that take all of our signatures or just yours.

Mike said it just takes his.

Tom made a motion to authorize Mike to sign it if Susie is okay with it. Gary seconded. All aye votes. Motion carried.

#### **Baker Tilly Management Representation Letter**

Mike said Laura just needs to sign this letter.

#### **Health Department Request for Grant (Corrected)**

Laura said Debi put \$25,000.00 and she said that was just for the payroll, she corrected it and the total grant amount is \$31,895.00.

Mike said this is the internal request to allow the Health Department to seek the grant to pay for Matt Simmons in the amount of \$31,895.00.

Tom made a motion to approve this request as presented. Gary seconded. All aye votes. Motion Carried.

### **Comp time report**

Mike asked if there were any questions or comments on the comp time report. He said it did come down a little.

### **Laura Martin**

Laura said she had one other claim that was given to her from Salyer Taylor.

Mike said he hoped that Jake would be here for this.

Gary asked if that was for the courthouse.

Mike said it is for the HVAC renovation \$305,813.70 is the balance to completion and this claim is for \$305,813.70. He said this takes everything but our retainage. He said I don't know if they are done or not.

Laura asked if the Commissioner's would like her to call Jake.

Mike said he would like confirmation, he said the questions is are they entitled to this. He said this takes everything but the retainage and we have \$168,579.00. Do we want to approve this claim?

Laura got Jake on speaker.

Mike said to Jake we have a claim last minute from Salyor Taylor for \$305,813.70 which pretty much cleans out the current contract other than the retainage and any extra's for the wind issue on top of that. He asked are you okay to pay this.

Jake said yes, that was actually turned into Argo a while back and Argo wasn't satisfied with what was done at that time, since then everything is pretty well that was on the project that Argo put together is complete so we can get that one paid. He said we have a price list scheduled for July 3<sup>rd</sup> and then of course whatever the fans for the boiler.

Mike said you are okay to pay this.

Jake said yes.

Tom made a motion to approve the claim for Saylor Taylor as presented. Gary seconded. All aye votes. Motion carried.

Laura said she also has permanent minutes and nepotism reports that need signed for Paula.

### **Tom Chalfant**

#### **Leasing county barns at Infirmary**

County Barns at the infirmary, Dan Allen asked if we are interested in leasing those barns to him to repair.



Mike said I think so.

Gary said that was my opinion when we discussed it last time.

Tom said he will ask Meeks to write something up, he said are we okay with just a token amount and he is to repair them or puts them back in usable or good repair.

Mike said and maintains them.

Tom asked if they want a 20-year lease.

Mike said that would be fair, 20 or 25 year. He asked Gary what he thought.

Gary said let's go with 20 years.

### **Journey Home**

Tom said after the newspaper article about the Journey Home, he is concerned that we might be vulnerable for law suits, because I don't think the neighbors or us realized that it was going to be a place where men used drugs. He said it was sold to him as the men living there were to be drug free and working towards recovery and now it is public information that there are men using drugs living there. He said it might behoove us to talk to the city about taking the drug dog into the Journey Home more frequently so we are at least trying to take steps to make sure this is not happening. He said he would just like some thoughts on that.

Mike said he would defer to our attorney on this as to what our liability as a landlord would be. I would hope that if there is suspected drug activity going on in the Journey Home that our local police would be following up on that suspected drug activity either from observation or complaint. Mike said to Art from a law enforcement point you would follow up on it if someone complained to you or if you had officers observing.

Art said Mr. Chalfant and I talked this weekend about the county K-9 going in there and I want to get some clarification from my attorney as to what kind of situation I can create as far as constitutional rights of the individuals that are inside and what the home itself would have, I don't know if that is part of their contract, if someone moves into one of those rooms, what are the expectations, privacy.

Mike said off hand he does not know if our lease covers illegal activity and what our rights are.

Tom said he knows the City has taken their dog in the past before and it is probably more City jurisdiction than County, I would guess.

Art said I'm not sure, I would want to make sure the board operating the facility has the right to ask someone to bring a dog in versus the individual rights that's in a room.

Tom said one of the board members said they were fine to take the drug dogs in.

Mike said why don't they ask the police to do that then, why do they have to go through you. I don't quite understand that.

### **Executive Session**

Toms said he would like to schedule an executive session to discuss an employee.

Mike said you will need to get with Laura and we will have to schedule an executive meeting. He said we can do it in July if you want.

Laura said the first meeting in July, what time do you want to be here. How long do you think it will take?

Mike said July 6, 2020 at 8:30 am.

### **Mike Wickersham** **South Tower location**

Mike said the South Tower location, it sounds like we are moving forward on that and Meeks has turned that over to Terry Burnworth. Mike said we have to get a survey and an appraisal. He said Meeks asked him if they wanted to have Matt Tarter do the appraisal for this and I told him we did.

### **Union City Pike Citizen Concern**

Mike said he had a resident concern about Union City Pike and one of the things we did is when we paved that road we made it a better race track and it is pretty curvy and hilly and people are not slowing down, they are going faster than what they were.

Tom asked what is the speed limit on that?

Mike said I would guess it is 50 or 55, I don't think its posted. He said this resident suggested a stop sign.

Tom asked if it is not posted isn't county road speed limit 55?

Art said 55 mile per hour speed limit for anything not posted unless you're in town and I think it is 30.

Mike asked if he had any concerns about Union City Pike.

Art said he has not received any calls on Union City Pike, he said the only thing he has been receiving calls on would be 8 east north of 28, he has received a couple of calls between 4 north and 28 there, they are saying semis are coming off 4 north speeding.

Mike said this resident indicated that Union City Pike is a real hazard, I bring it today because he suggested a stop sign out at 200 E and Union City Pike. He said the other thing he thought was

maybe even lining it would be of assistance because it is a hilly curvy road and I used to ride a bike on but now they travel so fast, I don't think I would ride a bike on that road.

Art said he will let the guys know you have received a complaint out there.

Mike said if it is 55, that's too fast for that road.

Art said it would require an ordinance to slow it down.

Mike said it would also require an ordinance for a stop sign. He said to designate it as an official bike route it would require an ordinance too. He said it is something to think about.

### **Wendy McDavid personal time carryover**

Mike said another matter is that he was approached by Dr. Sowinski regarding Wendy McDavid our health nurse and the time we spoke she had 121 hours of comp time and still had 21 hours of personal time that she was not going to be able to use prior to her anniversary date in August. She would be required to use 61 hours of comp time in order for her to be down to that 60 and she has accumulated extra comp time for three reasons one was Covid-19 which we expect, the other was the local tuberculosis outbreak that we have had in our county and east central Indiana and the third is our county sanitarian has not been available as much as was before because of health issues he has had, so she has covered for him.

Tom asked how she covers for him.

Mike said she does his work, if there is something that needs to be done, she goes and does it. He said he does not think anybody else in that office has the qualifications to do that. Dr. Sowinski is asking that we roll the 60-hour requirement for comp time to allow her to use up her 21 hours of personal time over the next year and Laura reminded me that we kind of waived that altogether during this Covid-19 situation anyway so that is what he would be recommending today is to let her keep her 21 hours. He said if we let Laura know that she will let Paula know that, so that she can use her personal time instead of comp hours.

Tom and Gary were both okay with that.

### **Economic Development Board**

Mike said to Tom you have mentioned to me that you no longer want to serve on that board. He asked do you still feel that way now that you are on the revolving loan committee. He said I would be glad to go back on the Economic Development Board but I don't want to take it away from you if you want to stay on it.

Tom said Cheryl asked me to be on the revolving loan committee, which I am willing to do and Cheryl has asked me to be on the finance committee which I am glad to do, but I think it would be better served for you to serve on the board because I am not really kept in the loop.

Mike said what do I give up. He asked Gary if he is okay with me being on the Economic Development Board.

Gary said yes.

Mike asked Tom if that is what he wants to do.

Tom said yes, I am not really in the loop on anything. He said he was not told about the changes, both you and Gary were told about the Chamber and working with Scottie and so I think you are the go to guy anyway.

Mike asked if that was a motion.

Tom said yes. Gary seconded. All aye votes. Motion carried.

**Citizen Comments**

Todd Longfellow asked if the Area Planning meeting would be held in person.

Mike said yes.

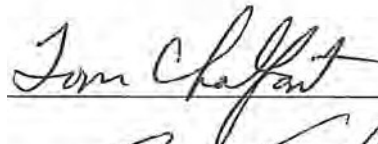
**Adjournment**

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

Reviewed and signed this 1 day of July, 2020.

RANDOLPH COUNTY COMMISSIONERS

  
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**ATTEST:**

P&aurajMartin, h1ditor of Randolph County