

MINUTES  
MONTGOMERY COUNTY COMMISSIONER MEETING  
MONDAY, DECEMBER 12, 2022

The Montgomery County Commissioners met in regular session on Monday, November 28, 2022 at 8:00 am at the Montgomery County Government Center, 1580 Constitution Row – Room E109, Crawfordsville, Indiana.

**CALL TO ORDER**

On call of the roll, the members of the Board were shown to be present as follows: President, John E. Frey; Vice President James D. Fulwider; and Commissioner Dan Guard.

Also present: County Attorney Dan Taylor; County Administrator Tom Klein; Auditor Jennifer Andel; Building Administrator Marc Bonwell; Sheriff Ryan Needham; Highway Director Jake Lough; Assessor Sherri Bentley; Health Administrator Adrienne Northcutt; EMA Interim Director Jessica Burget; Chief Probation Office Andria Giegle; 911 Director Sherri Henry; and Commissioners Executive Assistant Lori Dossett.

**PLEDGE & PRAYER**

Board President Commissioner John Frey led the pledge of allegiance and Dan Guard led the prayer.

**CONSENT AGENDA**

Approval of Claims: November 28, 2022 to December 12, 2022

Accounts Payable: \$4,287,345.19

12/2 Payroll: \$423,549.22

Approve Minutes: November 28, 2022

*Commissioner Guard moved to approve the consent agenda. Seconded by Commissioner Fulwider.*

*Motion carried 3-0 in favor.*

**Public Hearing - Solar Ordinance Text Amendment**

Building Administrator Marc Bonwell stated, *“Article 13 – Solar Farms and Facilities summary of text amendments: Article 13 provides regulation of solar energy systems, solar farms and facilities and other solar energy devices as authorized by IC 36-7-2-2. The language is designed to protect the welfare, safety and health of the public in Montgomery County. It is the policy of Montgomery County to promote and encourage the use of solar energy while allowing for location in the County Agricultural and Industrial zoned areas.*

*This text amendment modifies the purposes of in 13.01 of article 13. Two types of regulation are provided in this section SES and CSES. SES or Solar Energy Systems are defined as solar generation under 10 megawatts and which are designed to supply energy to the development site. CSES or Commercial Solar Energy Systems are defined as solar generation greater than 10 megawatts and which are designed to provide energy to wholesale markets for use other than where is generated.*

*13.02 of Article 13 defines the permitted districts in which SES or CSES can be located. The current ordinance allows solar farms in Ag and Industrial districts. The text amendment adds an Agricultural Overlay district to the ordinance. All CSES will be required to be re-zoned to agricultural overlay in order to be considered conforming. SES will still be allowed on ag and industrial zoned properties. The Plan Commission would hear all re-zone petitions for CSES and make recommendations to the County Commissioners.*

*In 13.07 of the ordinance a development plan would be required for both classifications SES, CSES in order to qualify to obtain permitting. A detailed submission list denotes the information required for a CSES and includes submittals for decommissioning, fire control and heat island effect.*

*A new section 13.15 requires a decommissioning plan which requires the land to be restored to existing conditions. The plan submitted will be reviewed for compliance and a surety will be required with the plan. The estimate of cost for decommissioning changes in the 5 year reviews the surety will be required to be revised to reflect the changes in value and adjusted. No deductions for salvage value or other credits will be allowed in the computation of decommissioning or removal.*

*New section 13.16 requires delineation of any hazardous materials and the disposal of and requires a review by EMHS. Emergency Management will provide comments to the Plan Commission regarding this hazardous materials plan.*

*New section 13.17 provides for a plan on noxious weeds and invasive species control.*

*New section 13.18 sets standards for maximum noise levels decibels. The language requires a plan to be submitted and the time of the development plan review from a licensed acoustician selected by MC.*

*New section 13.19 requires the owner to describe the fire control for the site and requires coordination with firefighting agencies.*

*New section 13.20 requires a Heat Island effect study for PVHI expected on the site once the energy system is operational.*

*Lastly, 13.21 requires a berm to be installed if a residence is within 500' of the CSES and requires the owner-operator to maintain the berm plantings for duration of operations on-site."*

**Board President Frey Opened the Public Hearing @ 8:06 AM**

Public Comment:

Brent Sillery – Stated he supports text amendments; against commercial solar farms.

John Smillie – Stated the text amendments create more problems than they cause.

David McGentsky – Stated the proposed text amendments are unduly restricted and asked that a statement provided to be added to the record (attached).

Mr. Waddell – Stated he supports the text amendments; against commercial solar farms.

Brian Sillery – Stated, *"concern of fires, cost of specialized equipment and chemicals to fight fires. Believes property values will drop 20-25%. No one will want to build in Montgomery County and it will erode property tax base."*

Mark Davidson – Stated his opinion on zoning and property rights are well known and his opposition to solar farms.

Rick Watkins – Stated he supports the text amendments as proposed by the Plan Commission.

Kylene Simpson – Stated out of 92 counties, in 2021 U.S.D.A. ranked 4<sup>th</sup> in soybean production; and 5<sup>th</sup> in corn production in 2020. In 2017, #3 in land and acres used for farmland. Ms. Simpson submitted 429 signatures taken from residents not in favor of industrial solar.

Helen Hudson – Stated as a person not involved and with concerns for climate change, asked if the County had heard from counties with solar and stated that Mayor Barton and Governor Holcomb are proponents of solar farms.

Ross Foxworthy – Stated concern of the some of the soils in Montgomery County, specifically property on Burnoff Road that in the 1940's 400 acres burned and 3" of top soil burned and it cannot be farmed again. He added that if more heat is added then it will hurt off-spring for cows and lamas.

**Board President Frey Closed the Public Hearing @ 8:48 am**

*Commissioner Guard moved to approve Ordinance 2022-36. Seconded by Commissioner Fulwider.*



Commissioner Frey stated, "I serve on the Plan Commission the code gives options to address each request individually and he appreciates the input. The process does work. At the time of the Comp Plan, the citizens were okay with solar parks at that time."

Commissioner Guard stated "I had no idea the number of acres. The IMPA project was a small amount of acreage close to the City. Biggest key is property rights and overall impact of large solar parks. He stated he thinks the amendments protect property rights".

Commissioner Fulwider stated the "Comp Plan said in favor of solar and not in favor of wind farms until it adversely affects you personally."

Commissioner Frey called for the vote. Motion carried 3-0 votes in favor.

Five minute recess – 8:55 am

Meeting Re-convened @ 9:00 am

#### ACKNOWLEDGEMENT OF OUTGOING ELECTED OFFICIALS

- Auditor Jennifer Andel
- Councilman Tom Mellish
- Circuit Court Judge Harry Siamas

#### NEW BUSINESS

##### Additional Carryover PTO Hours Request: Dispatch Center, Health Department -

The Employee Handbook allows Department Heads to approve the carryover of 40 hours of PTO in to the next calendar year unless the Department has had a different carry over policy approved by the Commissioners. Carrying over more than 40 hours of PTO requires approval from the Board of Commissioners. The packet includes requests from Departments to allow the carryover of more than 40 hours of PTO in to 2023 by a few employees. The Departments have provided an explanation for the request, as well. Dispatch Center – Sarah Hines – 17.5 hours; Health Department – Don Orr – 63 hours; and Cindy Bushong – 44.25 hours.

Commissioner Fulwider moved to approve the Additional Carryover PTO Hours Request. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.

#### Contracts

##### **Treasurer's Office - L&D Mail Masters, Inc. - \$7,699.21**

Agreement to prepare tax statements for mailing of 2022 pay 2023 taxes to Montgomery County property owners.

Commissioner Fulwider moved to approve the L&D Mail Masters, Inc. Agreement. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.

##### **2023 AWL Contract - \$77,312**

Annual animal control contract for services to the unincorporated areas of Montgomery County.

Commissioner Guard moved to approve the 2023 AWL Contract. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.

**2023 Purdue Extension Agreement - \$123,840**

Contractual services agreement between Purdue University and the government of Montgomery County provides financial support for county extension services in four program areas: agricultural and natural resources, health and human services, community development and 4-H Youth development. These services include access to services from county educators, campus specialists at Purdue University and other Extension staff.

*Commissioner Guard moved to approve the 2023 Purdue Extension Agreement. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

**Resolution**

Resolution 2022-9 - Establishing the Intent to Conduct a Commissioners' Sale to Sell Certificates for Properties that are Severely Delinquent in Payment of Property Taxes

Eleven properties are severely delinquent and the BOC shall acquire liens and receive tax sale certificates of the properties listed on Exhibit A of the attachment and sell said certificates at a properly advertised Commissioners Tax Certificate sale.

*Commissioner Fulwider moved to approve Resolution 2022-9 setting the minimum bid for each property listed at \$100 each. Commissioner Guard seconded. Motion carried 3-0 votes in favor.*

**OTHER BUSINESS**

County Administrator Tom Klein announced Wednesday, December 21<sup>st</sup> bells will ring at 12:15 pm to commemorate the 200<sup>th</sup> Birthday of Montgomery County. Administrator Klein also thanked the members of the bicentennial committee for their hard work on the project since March, 2021.

**ADJOURNMENT**

There being no further business before the Board, *Commissioner Fulwider moved to adjourn. Motion passed 3-0 votes in favor.* Meeting adjourned @ 9:20 am.

Minutes prepared by Commissioners Executive Assistant Lori Dossett.

The next regular meeting will be held on Tuesday, December 27, 2022 @ 8:00 am @ Montgomery County Government Center-Room E-109.

MONTGOMERY COUNTY BOARD OF COMMISSIONERS:

  
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John E. Frey, Board President

Attest:

  
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Jennifer Andel, Auditor