

**FRANKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM,203
MAY 12, 2021**

Those present; Ruthie Mannix, President; Robert Braun, Vice-President; Ed Derickson, Connie Rosenberger, Rob Seig, Christine Rains, Emily Ruffier. Also present Tammy Davis, Commission Attorney; Cindy Orschell, Executive Director; Glenn Bailey, Recording Secretary

Pledge of Allegiance

Roll Call

Minutes of April 14, 2021-Ruthie Mannix asked if there were any additions/corrections to the minutes. Hearing none she asked for a motion to accept. MOTION - Connie Rosenberger moved to accept the April 14, 2021 minutes, Ed Derickson 2nd, AIF. MC.

NOISE COMPLAINT ON LECHER SAWMILL on Moorman Road-Ruthie Mannix asked if anyone from Lecher Sawmill or the complaint Marty Brunner was there. Seeing that neither party was present Ruthie Mannix asked if everyone on the Commission saw the letter from Amber McMillian Orozco, representing the Lecher Sawmill. All except Ed Derickson, Ruthie Mannix stated that there were three options looked into each of which were costly prohibitive from the Lechers point of view. Amber suggested that since the grinding only took about 80 hours total, they would give the Brunner's a 45-day advanced notice and would only grind from 9:00am-5:00pm each day. Bob Braun suggested they only grind in the winter season as people are less likely to be outside and therefore less disturbed by it. MOTION - Bob Braun then made a motion to accept the plan as spelled out by the Lecher's Attorney, with the stipulation that it must be in the winter months. Ed Derickson 2nd AIF.

Old Business-Ruthie Mannix gave a brief intro about how the Commission would proceed on the AES amendment adopted by the County Commissioners. Ruthie Mannix then asked Grant Reeves to explain what sections had been changed and how to address them. Grant Reeves said the first significant change was to raise the cap on Insurance to adjoining non-participate neighbor to \$100,000. Property value guarantee within a 1000', and within 12 months of the end of life for the solar project. Project company could buy and resell or use the property as they see fit. The Solar project will be located no closer than 650' from residence, unless resident signs a waiver acknowledging that they are aware of the Solar project and accept the close proximity.

The issue of Fencing was next brought-up by Grant Reeves. Changes were made on setbacks to be 650' with questions as to who maintains the dead-space around the panels or fencing. This could affect the 650' setback in that the 20' perimeter would then lead to a 630' setback. The property value guarantee is the same for wind or solar and the county is not to be held liable for suits.

Grant said on Insurance the new limits would be 10 million and there would be safety protocols for Fire and EMS as well as a plan to fund it. If agreement can't be reached on an acceptable plan the County Commissioners would settle it. Lastly, Grant addressed Ground Covering Plans and pollinators, and how it would affect non-participating residents.

Connie Rosenberger asked how the question/comments would be done. Ruthie Mannix stated that the Commission would go item-by-item in the order as the changes were addressed by Grant Reeves. Ruthie Mannix commented about Wind under D-IC-3 that non-participating landowners could waive the 650'

setback but participating landowners may not come closer. Connie Rosenberger asked about 250' setback on the outer perimeter of property lines.

Connie Rosenberger then asked if Insurance coverage is not acceptable or is sent to APC for approval then what happens. Grant Reeves said the Solar Company would be held liable. Tammy Davis said if a landowner sued the county, the county would countersue the Solar Company.

Bob Braun asked about the fines and were they still just \$500.00. Grant Reeves said the APC could raise those to a higher level. Connie Rosenberger if a \$100,000 Limit was on non-participating landowners. Ruthie Mannix said the Commissioners added that if negligence occurred D-2-B-3 would address the issue.

Ruthie Mannix then wondered who sets up value of property, to which Grant said probably him and Tammy Davis Under A?? B-2 B-5 It was suggested the term of 10 years should be changed to 5 years to keep up with increases. Grant said he would change that.

Ruthie Mannix then asked if the 650' setback was from property line or residence. Grant Reeves replied at least 100' from property line or 650' from the residence. Traci Robinson said the Commissioners had said 650' from the property line. Ruthie Mannix asked Tom Linkel for his input, he said 650' from the residence and Grant Reeves agreed. Traci questioned this but Grant said to "move on".

Ruthie Mannix asked for comments from the public. Mary Solada, attorney from Indianapolis, had comments on property values. Tammy Davis explained the process to Mary and she agreed to wait to speak. Ed Derickson asked Traci Robinson about the differing viewpoints over the setbacks being from house or property lines. Traci said she had videos of both meetings, and they (public) want 650' from property line.

Kim Ramsey lives next to the Harvey property that want a Solar Farm and she said she is stuck if the setback is 100', she wants 650' from property line. John Halcomb represents a grassroot group to protect property line setbacks. He believes in less dead space and proper screening. Ruthie Mannix asked if 100' setback isn't enough what is an acceptable number? Merle Nafe said 650' isn't enough, he prefers 1500' to 2000' setbacks. Connie Rosenberger said if you live on a farm, 650' isn't much.

Don Delhoyt spoke in favor of Solar Energy in that it didn't use water, dirt etc. and it goes elsewhere just as beef, pork, corn, beans etc. It allows progress in the community and agreed that screening is a big issue. He said he sees both sides of it. Katie Maddox replied that in Bath a mile isn't much in terms of screening. Connie Rosenberger thought 650' was an okay compromise, Ed Derickson thought screening would help set of the view but Connie Rosenberger said it is not just the view but also noise, pollution etc. Ruthie Mannix thought 650' was a lot of waste of land, 100' not enough maybe 300' would work. Connie Rosenberger said it took a long time to get to 650' setback.

Mary Solata, an attorney from Indy said Franklin County is doing a good job to keep Alternative Energy out so far. First, she doesn't believe a property value guarantee will stand up in court, Drainage goes too far and lastly says waivers will not work, too confusing. She wants to help work out the details. Melissa Dorrel said we need farms creating jobs not solar and the area is zoned A-1. Also Landscaping must be continued, not allowed to die after three years. At this point the APC took a break to allow the BZA to do their business.

Ruthie Mannix said it was time to move on to B-1 H-3 and she addressed cemetery setbacks of 100' or 200' of outer perimeter or property line, then asked for input on fencing. Traci Robinson wanted the fencing to have a black coating as in industrial areas. Ruthie Mannix then asked about Insurance, both Pollution and Cybersecurity. Paul Cummings spoke of wanting to work together and added that

Cybersecurity Insurance is not useful. Traci Robinson then brought up the recent “hacking” of the Colonial Pipeline in the southern USA. Grant Reeves asked if the fencing was then 1000’ from panel. Bob Braun asked if that was panel or property.

Don Delhoyt spoke about property values open up a flood gate. Research shows panels of solar has no negative effect on property value. Jill Webb said her value will decrease. Ed Derickson asked if we should keep property value guarantees? Melissa Dorrel asked about wattage amounts. Traci Robinson said small panels are not the problem, 1000 panels does decrease value.

Paul Cummings said in other counties setbacks are 200’-330’ so 650’ is very generous. Kim Ramsey had concerns about property values and that one person for solar doesn’t live in Bath area.

Steve Eberly asked to speak, he is with Hoosiers for Renewables and wanted to present neutral information from 15-20 counties. The alternative energy companies provide large investments, place no loads on roads, police, infrastructure cost. All energy forms have its plus and minus. He left research with APC.

Katie Maddox said very few want solar, she isn’t against alternative energy, she just doesn’t want it in Bath Township. Ruthie Mannix again asked if there was anything on Insurance? Jim Crawford was worried about end of productivity and Insurance at that point. Ruthie Mannix said a Bond would be there at the Decommission time. Grant Reeves said a Bond of 10 million would be there to back up the decommission and it would increase with inflation.

Steve Eberly said there are three important issues to look at, first, economic development impact about tax abatement, second road agreement and finally decommissioning. Joe ?? asked if there could be an escrow fund to pay for decommission.

Ed Derickson had concern about pollution from metal, aluminum etc. Ruthie Mannix asked about Fire Protection. Connie Rosenberger asked if reviews of plan was a man (choice) or shall (must) issue. Grant Reeves was okay with a shall review.

Melissa Dorrel had concerns about fire from Solar equipment, and language needed about battery storage. Paul Cummings said there is no current plan for storage. Traci Robinson thought their battery storage should not be allowed. Grant Reeves said it could be added later, Bob Braun asked Grant to look into it. Rob Seig said he would appreciate it being added also.

Bob Braun and Connie Rosenberger asked about screening. Mr. Bruns spoke of the need for pollinators, that weeds are needed or farm products in front of panels. Ruthie Mannix asked for comments on ground cover. No one spoke up. Tammy Davis said we need a recommendation either favorable or unfavorable to pass on to the County Commissioners. Small changes could be added alter she said. Ruthie Mannix then asked if a vote was on the whole package. Grant Reeves said to keep the comments separate from the vote. Tammy Davis said first we need a vote to close the public hearing. Ed Derickson asks what are we voting on. Cindy Orschell said to close the public hearing.

Motion- Bob Braun made a motion to close the public hearing. Ed Derickson 2nd AIF.

Motion- Ruthie Mannix ask for a motion on the recommendation. Bob Braun moved to send an unfavorable recommendation to the County Commissioners. Connie Rosenberger 2nd. Vote 6-0-1

Violations- Cindy Orschell gave a report- Derryl Cregar has had no action, waiting on Surveyor to determine road length.

Randy & Bridget Smith waiting on court.

Andrew Matthews-sent letter on burnt house

Danny Broering- Tammy Davis to send letter.

Steven T. Peters & Paula Godsey- Tammy Davis will check with surveyor.

Building without Permits- Letters were sent out to all violations with Jimmy Ison getting a certified letter.

New Business- Rob Seig addressed the Board about Drainage issues, the code is poorly defined, very general. Rob Seig said if you look at other counties and come up with a better-defined code for retention/detention, get help from INDOT a new amendment could be written to address these issues as well as subdivision control. He is willing to sign off as long as he knows the guidelines. Cindy Orschell said it could be looked at some time but that currently a drainage board exist to work on those issues. Bob Braun said the object of the code was to help common people understand, without getting into what engineers would do or see as needed. Rob Seig said new developments creates a need for more control. Ruthie Mannix sees a need for more specific guidelines. Cindy Orschell said she would talk to Joe Gillespie due to his experience in this matter. Rob Seig said it could give designers and developers more guidelines. Tom Linkel said there are stormwater issues, a plan is needed and more than just for subdivisions. The highway dept. isn't able to do this. Tammy Davis said 3-4 pages in the Indiana Code on Drainage Control and erosion plans, no specifications 80.08.05-2, needs to be in subdivision control. Rob Seig asks if APC can advertise for a Public Hearing on stormwater drainage requirement. MOTION - Rob Seig made a motion to add drainage standards control. Bob Braun 2nd AIF. MC.

Ruthie Mannix said she will be out-of-town for a couple of months. She then asked for a motion to adjourn.

ADJOURNMENT – MOTION -Bob Braun moved to adjourn, Ed Derickson 2nd. AIF. Meeting adjourned at 10:40 pm.

Robert Braun, Vice-President

Glenn Bailey, Recording Secretary