

COMMISSIONERS' MINUTES

JULY 19, 2021

PRESENT: ALL

BE IT REMEMBERED that the White County Commissioners held a regular meeting on July 19, 2021, in the White County Building, 2nd floor John C. Heimlich Conference Room, beginning at 8:15 a.m.

Commissioners present were: President David Diener, Commissioner Steve Burton, and Commissioner James B. Davis. Also present were White County Auditor Gayle Rogers, White County Attorney George Loy, and Commissioners' Assistant Donya Tirpak

Commissioner Diener called the meeting to order.

MINUTES

- Commissioner Burton made a motion to approve the minutes for the regular meeting held on July 6, 2021, seconded by Commissioner Davis. **Vote: Unanimous**

PAYROLL

- Commissioner Diener made a motion to approve payroll, seconded by Commissioner Burton. **Vote: Unanimous**

CLAIMS

- Commissioner Burton made a motion to approve and pay the claims as presented, seconded by Commissioner Davis. **Vote: Unanimous**

COMMUNITY CORRECTIONS

Circuit Court Judge Jason Thompson presented the recommendation from the Community Corrections Advisory Board to hire Colleen Carnes as the Director for the Community Corrections Department.

- Commissioner Davis made a motion to appoint Colleen Carnes as the Director for the Community Corrections Department, seconded by Commissioner Burton. **Vote: Unanimous**

AREA PLAN -FEE SCHEDULE

For the second reading, Director Joe Rogers presented amendments to the Fee Schedule for the White County Zoning Ordinance. The amendments proposed referred to:

1. Delete the "Bee Hive Permit" line item. It's a duplicate of the Apiary line item.
2. "Bee Hive 35.00 Multiple hives on the same property only require one permit" to be deleted.
3. Modify language of "Apiary" line item; Change Fee Type description from "Apiary" to "Apiary (beehive)" and notes from "Per parcel (may include more than one Apiary; excludes bee hives naturally created)" to "Per parcel. (Excludes bee hives naturally created) Multiple hives on the same property applied for under a single application only require one permit".
4. Add line item as follows: "Electric Vehicle Charging Station, Public \$100.00 Multiple stations on the same property applied for under a single application only require one permit. Does not apply to EVC stations incorporated into applications for new construction.
5. Change Fee Type description from: "Solar Farm" to "Improvement Location, Commercial Solar Energy System."
6. Change Fee Type description from: "Solar Energy System" to "Improvement Location, Individual Solar Energy System."
7. Add line item as follows: "Improvement Location, Shared Solar Energy System \$125.00."

Commissioner Diener asked if anyone was present with questions or concerns about the amendments. No response.

- Commissioner Burton made a motion to approve Ordinance No. 21-07-19-01, adopting White County Area Plan Department Fee Schedule, seconded by Commissioner Davis. **Vote: Unanimous**

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ORDINANCE NO. 21-07-19-01
ORDINANCE ADOPTING WHITE COUNTY AREA PLAN DEPARTMENT FEE SCHEDULE

WHEREAS, it is the duty of the White County Commissioners to adopt certain fees and costs associated with the submission of applications and requests for permits, public records and special meetings related to the business of the White County Area Planning Department; as authorized by Chapter 12, Section 12.1 of the White County, Indiana Zoning and Subdivision Control Ordinances; and

NOW THEREFORE, BE IT HEREBY ORDAINED, by the White County Board of Commissioners, as follows:

- 1. That the fees and costs pertaining to the White County Area Plan Department related to applications and requests for permits, public records and special meetings shall be assessed pursuant to Exhibit "A" attached hereto and made a part hereof.

AREA PLAN

Director Rogers presented rezoning petition number 1139, rezoning property located at 4599 N. West Shafer Drive, 4611 N. West Shafer Drive, 4613 N. West Shafer Drive, and 4615 N. West Shafer Drive, Monticello from a PUD (Planned Unit Development District) to an L-1 (Lake District). The reason for the petition is because the PUD was abandoned. The property owners were notified several times and never appeared to discuss the petition.

The Area Plan Commission held a public hearing on July 12, 2021, on this rezoning request. The APC voted 9 yes and 0 no to recommend this rezoning to the Commissioners.

Commissioner Diener asked if there was anyone present to speak to this request. No comment.

- Commissioner Davis made a motion to rezone petition number 1139 from a PUD to L-1 as presented, seconded by Commissioner Burton. **Vote: Unanimous**

AREA PLAN

Director Rogers presented amendment #A66 to Chapter 7 on Renewable Energy Systems, Chapter 14, Definitions & Appendix A, and the Official Schedule of Uses. The primary changes are as follows:

WIND ENERGY

- 1. A variety of setbacks standards were modified to capture the County's objectives, adopt proposed State default standards, or capture a measuring method consistent with that offered by the State. These changes can be found in Table 7.5.1, with the most significant changes made to:
 - a. Two times the tip height to any land zoned or platted for residential use.
 - b. One mile setback to the incorporated limits of any municipality, Idaville, or Buffalo boundary line. The legislative body has the right to waiver.
 - c. Five miles from any runway centerline of the White County Airport.
- 2. Adoption of light mitigation technologies. (Section 7.11.1 K)
- 3. Use of shadow flicker computer modeling to assure maximum flicker exposure to non-participating landowners. (Section 7.11.1 J)
- 4. Definition/ordinance conversions to State utilized verbiage.

SOLAR ENERGY

- 1. Modification to the requirements of the vegetation plan to incorporate more location adaptable ground covers. (Section 7.16.A.13)
- 2. Certification to glare control and mitigation. (Section 7.16A.15)
- 3. Incorporation of shared solar energy system standards.
- 4. Adoption of taller panel maximums. (7.17 B. 5)

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5. Clarification to glare control and mitigation. (Section 7.16.A.15)
6. Addition of residential setback requirements. (7.17.b.8)
7. Line burial standards. (7.17.B.14)
8. Directive for glare minimization. (7.17 B. 15)
9. One-half mile setback to the incorporated limits of a municipality, Idaville, or Buffalo boundary line. An applicable legislative body can waive this. (7.17. B.17)
10. Added Shared Solar Energy System (SSE) developmental standards. (7.17 C)
11. Definition/ordinance conversions to State utilized verbiage.

The Area Plan Commission held a public hearing on July 12, 2021, on the proposed amendments. The APC voted 9 yes and 0 no to recommend them to the Commissioners.

Commissioner Diener asked if there are any questions or comments regarding Amendment #A66.

Mr. Doug McGill asked for more explanation of the amendments because he didn't know anything about it.

Director Rogers said we had no setback requirements for solar projects to a municipality boundary line before this amendment. This ordinance increases the setback requirements for solar projects to a half-mile from any municipality boundary and one mile for wind farm projects.

- Commissioner Burton made a motion to approve Ordinance No. 21-07-19-01, Amendment #A66 to Chapter 7 on Renewable Energy Systems, Chapter 14, Definitions & Appendix A, and the Official Schedule of Uses, seconded by Commissioner Davis. **Vote: Unanimous**

EMPLOYEE WELLNESS CONTRACT

HR Director Leah Hull said that she and a wellness manager with Huntington searched for the most suitable and cost-effective employee wellness program. We have been using CHC Wellness for the past 5+ years, and they continue to raise our prices and remove services each year. Between E-Health and Lab Corps, she recommended signing a contract with E-Health and paying the additional cost for TSH tests for women over 25 years old and A1C tests for any employees testing over 110. She also requested the County pay for the off-site testing.

- Commissioner Burton motioned to use E-Health as the County's wellness provider, pay for the additional lab test (TSH and A1C) as needed, and pay for off-site testing, seconded by Commissioner Davis. **Vote: Unanimous**

At this time, Council President Butch Kramer called the Council members to order in joint session with the Commissioners. Council members present:

Butch Kramer	Denny Carter	Jim Annis	Janet Faker	Art Anderson
Matt McKean	Casey Crabb			

AIRPORT – NEW CR 225

White County Airport Board President George Green said that the new CR 225 is going to be \$1,303,560.00. The FAA approved the grant for \$1,252,474.00, leaving \$51,086 due to the water line upgrade. Construction is scheduled to start fall of 2021.

Commissioner Diener said that the Commissioners approved Mr. Green as a signee of the grant when needed.

Mr. Green said that an agreement would need to be written up between the city and the County stating who will be maintaining the right-of-way and utilities.

Commissioner Diener said that he would like to see CR 225 completed and opened for traffic before constructing the new roundabout at the intersection of Gordon Road and State Road 421.

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AIRPORT – RUNWAY REPAIRS

Board President George Green requested permission to accept a quote from Reece from Indianapolis for \$23,165 to repair the cracks in the runway. They have \$50,000 in the budget to pay for the expense.

- Commissioner Burton motioned to allow the Airport Board to enter into an agreement with Reece for \$23,165, seconded by Commissioner Davis. **Vote: Unanimous**

REPORTS PRESENTED AND ON FILE

E-911

Council on Aging
Area Plan/Building Dept.
Highway Department
Economic Development

COMMUNITY CORRECTIONS

Riley Young, Surveillance Officer, reported that their radios are outdated and no longer made. The Community Corrections Advisory Board approved the purchase of five Harris XL-185 portable radios for \$16,185. He asked permission to make the purchase and to pay for them out of the CARES Act funds.

- Commissioner Davis motioned to approve five portable radios for \$16,185 for the Community Corrections Department, seconded by Commissioner Burton. **Vote: Unanimous**
- Councilman Anderson motioned to allow the Community Corrections department to use \$16,185 from the CARES Act funds to purchase portable radios, seconded by Councilman Annis. **Vote: Unanimous**

EMERGENCY MANAGEMENT

First Deputy Roberta Yerk requested permission to apply for two grants. The first is a salary reimbursement grant for \$32,827.63, and the second one is for \$35,000 to purchase a Yodock Emergency Response trailer.

- Commissioner Davis made a motion to allow the Emergency Management Department to apply for the two grants as requested, seconded by Commissioner Burton. **Vote: Unanimous**

GOLF CART ORDINANCE

A short discussion was held on golf carts being used as recreational vehicles in the County and how to keep them under control. A committee consisting of Director Joe Rogers, Commissioner Jim Davis, Councilman Matt McKean, Councilman Art Anderson, and Sheriff Bill Brooks was put together to present a recommendation to the Commissioners.

CAVALRY SOLAR ENERGY

White County Attorney George Loy presented a resolution approving an Economic Development Agreement (EDA) for the second solar energy generation facility in White County. Cavalry Energy Center, also known as NextEra Energy, has been negotiating with the Commissioners to build a facility west of Buffalo in Monon Township. The EDA states that White County will receive \$13,000 per megawatt or \$2.6 million over the next three years.

Matthew Johnson, project manager with NextEra, said they would obtain 1,800 acres for the Cavalry Solar Project. The Project will have 200 megawatts of solar with 60 megawatts of battery storage. The Project will include an estimated 650,000 solar panels. NextEra Energy will construct and maintain the Project for a couple of years, and then it will be owned, operated, and maintained by NIPSCO.

Councilman Anderson asked if Cavalry Energy would consider putting in charging stations and donating the electricity so the County can buy electronic vehicles.

Mr. Johnson explained that they are just developers, and they do not control where the energy will go. He can't make any guarantees, but he will take the request back to their corporate leadership.

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Commissioner Diener asked if there were any questions on the Economic Development Agreement that are being presented. No response.

- Commissioner Burton motioned to approve Resolution No. 21-07-19-02, authorizing an Economic Development Agreement with Cavalry Energy Center, LLC, seconded by Commissioner Davis. **Vote: Unanimous**
- Councilman Carter motioned to approve the Economic Development Agreement with Cavalry Energy Center, LLC, seconded by Councilman Annis. **Vote: Unanimous**

**RESOLUTION NO. 21-07-19-02
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WHITE
COUNTY, INDIANA APPROVING AN AGREEMENT WITH CAVALRY ENERGY
CENTER, LLC, AND CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Board of Commissioners of the White County, Indiana (the "Board") desires to benefit the health and general welfare of the citizens of White County, Indiana (the "County") and create opportunities for gainful employment and business opportunities within the County; and

WHEREAS, Cavalry Energy Center, LLC (the "Company") is contemplating the development and construction of an additional phase of a solar electric generating facility in the County, which will have a rated capacity of approximately 200 megawatts (the "Project"); and

WHEREAS, the Company has requested assistance with the completion of certain road improvements, assistance with zoning variances and other permits, the approval of tax abatement, and other assistance from the County with respect to the Project; and

WHEREAS, to induce the Company to complete the Project, the Board desires to approve the execution of an Agreement for Economic Development, between the County and the Company, a form of which has been presented to the Board on the date hereof (the "Economic Development Agreement"), pursuant to which certain incentives will be provided to Company in exchange for its commitment to complete the Project, to make certain economic development payments, and to take certain other actions with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of White County, Indiana, that: The Board hereby finds that the execution and delivery of the Economic Development Agreement are in the best interests of the County and its citizens. The Board is authorized and directed to execute the Economic Development Agreement, in the name and on behalf of the County, and the Auditor of the County is hereby authorized and directed to attest the execution of such agreement, with such changes and modifications as such persons deem necessary or appropriate to effectuate this Resolution, said persons' execution thereof to be conclusive evidence of the approval of such changes.

The members of the County Council, the Board, the Auditor of the County, the legal counsel of the County, and other appropriate officers of the County are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this Resolution.

This resolution shall be in full force and effect from and after its adoption.

WHITE COUNTY AVIATION BOARD

Commissioner Diener said that the White County Aviation Board has always acted as the Airport authority by signing off on grants, contracts, and agreements. Now he would like the County Commissioners to be the authority. He presented a revised Airport Management Agreement, the Fixed Base Operator Agreement, and the White County Airport FBO Hangar Lease Agreement with Townsend Aviation.

- Commissioner Diener motioned to approve the contracts between Townsend Aviation and the County Commissioners as presented, seconded by Commissioner Davis. **Vote: Unanimous**

Copies of the agreements are available in the Commissioners' office.

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COUNCILMAN RECOGNIZES CONFERENCE

Council President Butch Kramer recognized Commissioner Burton for his excellent presentation at the Indiana County Council Association Conference last month. Commissioner Burton discussed White County's Wind and Solar farms.

There being no further business to come before the Council their meeting was adjourned.

There being no further business to come before the Board, their meeting adjourned.

David Diener, President

Steve Burton, Vice President

James B. Davis, Member

ATTEST: _____
Gayle Rogers, Auditor