

## COMMISSIONER MEETING

Tuesday, September 5, 2017

**Meeting called to** at 9:00 a.m. with Pledge to the Flag. Present: Bryan Lewis, Rick Ranstead, Steve Metzger, Attorney Greg Heller and Auditor Christina Sriver.

**HIGHWAY** – John Geier presented Permit 17-21 for a road cut on Main Street at Bruce Lake. Bob Mink (property owner) discussed the drainage issue that he is requesting the permit for. Steve motioned to approve the permit as presented, Rick seconded; passed 3-0. John discussed ongoing activities including mowing and chip and seal. The new paver has been delivered. E & B will be striping the center line on Olson Road but will wait to do the white stripes on the sides to let the sides have time to fully compact. The bridge over Tippecanoe at Old 31 was repaired with high density foam as discussed in the previous meeting; the South end of the bridge may still need to have some more foam added. A stop bar was installed at Lucas Street by E & B but the location wrong and will need to be moved; John is still waiting to hear from DLZ for a solution to a dry well at the location. Rochester City would like to partner with the county to repair Park Street to SR 14 and 13<sup>th</sup> Street to SR 14; Commissioners gave approval and recommend John prepare an additional appropriation for Council's approval.

**ADA** – The handicap signs have been placed at the annex building. Training is now available online.

**SHERIFF** – Chris Sailors presented the August reports. Jail population as of this morning was 101 and 6 are being held at Miami County. He and Josh (IT Department) have reviewed the camera proposals and will make a recommendation to CDC. He is going electronic with the Department of Revenue for more efficient warrant reporting. The handgun class held in August went well and he will offer another in October. Larry (EMA) will be looking into grant funding for the mobile units for the vehicles to run the new CAD system.

**EMA** - Larry has been working on grants for new CAD system for the officers, mobile radios for the utility vehicles. Larry has loaned some radios to John for use at the Highway department but will look to get him permanent radios for his department.

**PUBLIC HEARING VACATING A PUBLIC ROADWAY** – Tim Ousley presented a map of the requested road vacation and stated that there are people loitering in the area proposed. Rick motioned to accept the presented road vacation petition, Steve seconded; passed 3-0. Bryan read the proposed ordinance aloud:

### ORDINANCE VACATING PUBLIC WAYS NEWCASTLE TOWNSHIP, FULTON COUNTY, INDIANA

ORDIANANCE 090517

WHEREAS, Timothy Ousley, has petitioned for the vacation of various public ways, in Newcastle Township, Fulton County, Indiana, owner of real land within the original and subsequent plats of the Camp Shohola and Camp Shohola First Addition in Fulton County, more particularly described as follows:

A roadway lying adjacent and to the east of Lots 45 through 51 in Camp Shohola First Addition in Fulton County, Indiana and continuing on to lie adjacent and to the north of an already vacated roadway, as well as, Lots 1 through 5 in Camp Shohola, a platted subdivision located in Fulton County, Indiana.

WHEREAS, a public notice of a public hearing was published in the *Rochester Sentinel* on the 22<sup>nd</sup> day of August per state law; and a public hearing was held on the 5<sup>th</sup> day of September, 2017 to allow interested parties to make their comments and concerns known; and,

WHEREAS, the Fulton County Commissioners duly considered the Petition and proposed Ordinance and determined that the ordinance should be adopted.

THEREFORE BE IT ORDAINED THAT:

A roadway lying adjacent and to the east of Lots 45 through 51 in Camp Shohola First Addition in Fulton County, Indiana and continuing on to lie adjacent to the north of an already vacated roadway, as well as, Lots 1 through 5 in Camp Shohola, a platted subdivision located in Fulton County, Indiana.

In Fulton County, Indiana is hereby declared vacated, subject to the rights of all public utilities currently existing within said Roadway.

Steve motioned to approve the first reading of the Ordinance, Rick seconded; passed 3-0.

Steve motioned to suspend the rules and read the ordinance by title only, Rick seconded; passed 3-0. Bryan read the ordinance by title only for the second reading. Rick motioned to approve the second reading, Steve seconded; passed 3-0.

Rick motioned to close the public meeting on vacating a public roadway, Steve seconded; passed 3-0.

**HOSPITAL BOARD APPOINTMENT** - Rick nominated Jim Straeter for the Hospital Board, Steve seconded; passed 3-0. The appointment will take effect October 1.

**MINUTES** – Steve motioned to approve minutes for Fulton County Council and Commissioner’s Joint Session May 15, 2017, and Commissioner’s Meeting on August 21, 2017, Rick seconded; passed 3-0.

**CLAIMS** – Approved as presented.

9/1/17	Misc. Claims	\$2,557.98
8/25/17	Misc. Claims	\$10,691.06
9/5/17	Regular claims	\$603,697.39
9/1/17	Payroll	\$173,567.12

**TRANSFERS** – Approved as presented.

Department	Fund	From Account	To Account	Amount
Circuit Court	County General	Office Equipment	Mental Evaluations	\$250
Court-ordered mental evaluation - \$1,750; only \$1,500 in Mental Evaluation line item.				
Sheriff	LIT Public Safety	Senior Deputy	Deputy	\$42,000
To fix accounts due to a portion of County General budget cut and appropriated to LIT				
Auditor	County General	Human Resources	Continuing Education	\$2,500
To pay for additional Continuing Education for 2017.				
Commissioners	County General	Building & Other Insurance	Citizen's Cemetery	\$1,152
To cover budget shortfall. Commissioners would like to bid the upkeep for Citizen's Cemetery for next year to have a more accurate budget.				

**ADDITIONAL APPROPRIATIONS – Approved as presented.**

Department	Fund	For	Amount
Sheriff	Cum Cap Dev	Garage & Motor	\$9,200
To use reimbursement money from insurance company and additional money for repairs to vehicle (car vs. deer).			
Sheriff	LIT Public Safety	Inmate housing	\$25,000
Funds to be used to pay for Fulton County inmates held by another county due to jail overcrowding.			
Sheriff	LIT Public Safety	Utilities	\$10,000
To pay for utilities through remainder of year.			
Highway	MVH	Repair Road Equipment	\$13,529
To reimburse shop fund for expenses of a v-box sander approved by Council and Commissioners in the winter of 2017 in the sum of \$9,910.23. This also includes a request in the amount of \$3,618.31 which was deposited into MVH as a reimbursement for an insurance claim on county pickup #27.			

**OLD BUSINESS** – Bryan will be meeting with Jackson Excavating to schedule the demolition of the Akron Opera House. Bryan discussed the meeting held by the Area Plan Commission recently to discuss amendments to the Zoning Ordinance. They are planning on having a public meeting at Caston Schools after receiving information on the economic impact to the area from Umbaugh and Associates. Russell Phillips, who resides south of Fulton Town, voiced some general questions and concerns:

1. Q: On a report of a Miami County Commissioner's meeting, two consultants have been employed. Is Umbaugh one of the consultants referred to? A: Between the three county's (working together) Barnes and Thornburg as the attorney and Umbaugh as the Financial Advisor. Miami and Cass have already signed with them. Fulton County was waiting to see if the ordinance allowed for the wind farm before spending money on the consultants.
2. Q: He had read in a newspaper report that the cost was \$75,000 to be shared between the three counties; has that approval been given yet? A: No.
3. Q: Assuming that the Area Plan a Commission hearing on September 25<sup>th</sup> approves something allowing the wind farm, what happens next? A: Greg Heller answered that the next step after the Plan Commission approves the amendments it would come to the commissioners as they

are the governing body with the authority to pass an ordinance or amendments to the ordinance. The next step for the commissioners is to put the proposed amendment on their agenda for review and they could accept the amendments as suggested by the plan commission, they could suggest additional amendments or changes and it would go back to the plan commission, or they could reject those amendments.

4. Q: In the scenario described, if the amendments are sent back to plan commission because of suggestions by the commissioners, is that process because the area plan commission the ones who consider suggestions? A: Greg answered that yes, plan commission is the board of expertise on zoning but the commissioners may have suggestions based on public opinion that they may want to have input on.
5. Q: Once things are in (Commissioners) hands, is anything from that point forward considered a hearing? Greg answered that a public hearing could be set up but is not required.
6. Q: Where does the Board of Zoning Appeals enter in this? A: That board enforces the Zoning Ordinance, they are a quasi-judicial body. Appeals to the Zoning Ordinance would be made to the board, or a special exception would be granted from the board.
7. Q: What role does the County Council have in this? A: Greg answered that they are the fiscal body and wouldn't be involved in the Zoning Ordinance amendments at all. If there are any monies that are required then the council would get involved.
8. Q: The news report referred to earlier from the Miami (County) meeting concerning the \$75,000 for consultants was to assess the potential impact to the project. Will that include property valuation impact? A: Umbaugh will be preparing a report to help put a package together of how to distribute the revenue to the county from the wind farm. No contract has been signed with Umbaugh yet.
9. Q: In terms of that study, do you envision it including an environmental impact? A: I'm sure it does. They have already done studies on migratory birds and bats.
10. Q: The two companies referenced, did RES have a role in determining who is selected? A: No, they (Barnes and Thornburg) have done all the contracts for the wind farms and I assume Umbaugh has been involved as well.
11. Q: How will Fulton County Government benefit from the project? A: We don't know all the details yet. Depending on what Umbaugh comes back with the county will be able to help out the schools, townships and towns. There are a lot of things to consider but we do not know yet where we can go with this.
12. Q: Have 60% of land owners (in Fulton County) signed a lease with RES? A: I don't think so, they have only been able to sign up for the last couple weeks.
13. Q: If they've only been able to sign up for the last two weeks, and if the lease is for longer than two years and has to be recorded, and the lease has to be recorded within 45 days of signing the lease, is the clock ticking on that requirement by the state? A: I don't know what they are signing, commitments or leases. The commissioners aren't involved in that and aren't privy to that information.
14. Q: Is there an RES proposal that Commissioners have received? A: RES has given a presentation of what they are proposing.

15. At the Plan Commission meeting last Monday, reference was made to an interim study committee on energy, utilities and telecommunications which will be meeting October 5<sup>th</sup> at 9:30 a.m. The meeting notice states that the construction of wind power devices and issues will be discussed. Tom Saunders, State Representative from Henry County, authored House Bill 1597 last legislative session which dealt with this topic but did not get a hearing. Senator James Merit has asked Mr. Saunders to come and present on this topic. Mr. Phillips encourages anyone with interest to be in attendance including Commissioners.
16. Mr. Phillips would like density setbacks (to limit the effect of being in the middle of turbines) to have more consideration to be given to that point.
17. Mr. Phillips discussed Mr. Lila's (RES representative) comments on studies done on wind projects that stated there were no decrease to assessed values due to the wind farm. Mr. Phillips requests a property value guarantee in the wind farm proposal.
18. Audience Q: Why are we doing all this preliminary if they don't have test towers up? A: They are using test data gathered from previous companies and are gathering their own for more potential investors.
19. Q: If the Zoning Ordinance allows for it, how can you stop it? A: The current zoning already allows for wind turbines. A strict zoning ordinance could prevent business from coming to Fulton County. What is being discussed is an improvement to the current ordinance. The amendments are improving the setbacks.
20. Q: Has there been any discussion of jobs that the turbines will bring? A: After construction, there were 80-100 jobs projected at \$60,000/year between the three counties for service and maintenance to the towers.
21. Q: This would be a \$500,000,000 investment? A: Each tower is \$3.5 million dollars.
22. Q: Are there 87 towers being considered? A: There are 100 towers now being considered.
23. Q: Is there an amendment to the ordinance in place for maximum height of the towers? A: Federal height limitations are currently what is followed.
24. Q: Does FFA have restrictions? A: They most likely do but commissioners are unsure of what they are. There are a few local airstrips in the area that will come into consideration.

Steve motioned to approve a recommendation for Brad Weaver to be appointed for Fulton County Redevelopment Commission, Rick seconded; passed 3-0.

**NEW BUSINESS** – Rick motioned to approve the *Electronic Map Data Application Agreement* from Travis Selby of Ag Exchange Farm Real Estate, Steve seconded; passed 3-0.

Janet Showley (Director of Fulton County Animal Adoption and Education Center) requested the use of county-owned parking lot(s) to conduct an animal circus on Saturday, September 9<sup>th</sup>; Commissioners approve.

**RECESS** – Rick motioned to recess at 10:38, Steve seconded; passed 3-0.