

Vermillion County Commissioners

Meeting Minutes

November 24, 2020

8:15 a.m.

Commissioner's Courtroom, 2nd Floor, Courthouse

- I. **Call to Order.** The Vermillion County Commissioners convened in a regular meeting on November 24, 2020 at 8:15 a.m. in the Commissioners Courtroom.
- II. **Pledge Allegiance to the Flag.**
- III. **Roll Call.** Members present were President Tim Wilson, Harry Crossley, Tim Yocum, Auditor Amy Tolbert, First Deputy Auditor Stephanie Simpson, and County Attorney Jon Spurr.
- IV. **Approval of Minutes.** A motion was made by Crossley and seconded by Yocum to approve the minutes from the November 10, 2020 meeting. All in favor, motion carried.
- V. **Approval of Claims.** A motion was made by Crossley and seconded by Yocum to approve the claims for November 27, 2020. All in favor, motion carried.
- VI. **Approval of Payroll.** A motion was made by Crossley and seconded by Yocum to approve the payroll for November 27, 2020. All in favor, motion carried.
- VII. **Treasurer's Report / Investment Report.** No comments.
- VIII. **Open Issues**
 - a. **Health Department**
 1. **Covid-19 Update.** Wendy Farley from the Vermillion County Health Department stated that as of last Monday until today there are 125 new cases. She said as of now Vermillion County will stay in the orange. Farley stated that there have been 597 positive cases since March. She said there are approximately 80 to 100 people per day being tested at the Vermillion County Health Department. Farley stated they are in close contact with the schools.
 2. **On-Site Sewage System Ordinance.** Vermillion County Sanitarian Kim Hawkins presented an On-Site Sewage System Ordinance. Hawkins said the last ordinance the county had was back in 1968. Since Hawkins started with this position the State has come in to train him and they said the County sewage ordinance was out of date. He said they have come up with a new ordinance for rebuilds and new houses. Hawkins said it is very important to get this done. Hawkins said they also had county attorney Jon Spurr look at it. Yocum asked about the fees, Hawkins said that they went from \$10 to \$75 dollars because other counties around us are at \$75 dollars and it will help to put money in the fund so more equipment can be purchased. Hawkins said it's going to clean up the problems we've been getting calls on. Spurr said to take it under advisement to look at it. Yocum said he would like to have open public comment and have it published. A motion was made by Yocum and seconded by Crossley to table the ordinance until the next meeting. All in favor, motion carried.
 3. **Retail Food Establishment and/or Bed and Breakfast Ordinance.** Hawkins stated that we currently have no ordinance that covers this. The State instructed them to get an ordinance in place. He said they went through other counties to see what they have. He said they have set permit fees. It would be an annual fee of \$50

dollars for \$25 dollars for each event. Does not include not for profit or churches unless they have over 15 functions per year. A motion was made by Yocum and seconded by Crossley to table this ordinance until the next meeting. All in favor, motion carried.

4. **Mask Issue with businesses.** Hawkins said he is having issues with businesses complying with the Governor's proclamation to be following what has been stipulated. Hawkins said they will provide signs and masks for businesses to come into compliance. If they refuse then the state will become involved and they could be fined for shut down until they become compliant. Hawkins said this is to let the commissioners know and if they want to show support they can or they will go under the state guidelines to handle the situation.
- b. **Vermillion Rise.** Executive Director Bob Grewe gave the Commissioners a brief update on the shell building. Grewe gave the Commissioners a brochure from Cushman & Wakefield that promotes sale of the shell building. Grewe stated that at the last meeting Yocum asked about getting an appraisal for the shell building. Grewe stated that the cost for the appraisal would be \$1,800 dollars and he didn't feel like they should spend the money if they didn't need to. He stated that Cushman and Wakefield felt like it should appraise for the amount listed.
- c. **VTA (Vermillion Trails Alliance).** No comments.
- d. **IT Update.** No comments.
- e. **Courthouse Phone Update / Level365.** No comments.
- f. **Jail Renovation.** Yocum stated the final presentation would be at the next meeting and they would be including the water at the Rise with the jail project. Then they will take it to the council for funding.
- g. **Handbook.** Jon Spurr said they are down to one sentence they are working on, and he stated the Sheriff is quarantined and they are waiting to hear back from him.
- h. **Position of ERC / Job Description.** Yocum said it is part of the job description for the Highway Secretary Milisa Carty and he said if she has a problem with that, they can discuss it privately.
- i. **Highway Capital Improvement Plan.** Tolbert said that it was sent to all Commissioners and it is up to them if they want to make changes or approve it. Yocum said he would like to table it one more time so he could look at it. A motion was made by Yocum and seconded by Crossley to table the Highway Capital Improvement Plan until the next meeting. All in favor, motion carried.
- j. **2021 Bid Specs.** Tolbert stated the bids would be opened at the Commissioners meeting on December 8th and awarded at the December 22nd meeting.
- k. **Longevity Pay.** The Commissioners discussed Milisa Carty's longevity pay and decided to pay her for her time worked since she was laid off and did not quit. A motion was made by Yocum and seconded by Crossley to approve the longevity pay for Milisa Carty. All in favor, motion carried.
- l. **2021 Appointments.** Crossley said he talked to Yocum and if him and the new Commissioners could come up with a list of appointments they could do the appointments at the next meeting. Yocum stated that he had a list. Yocum also stated that they are going to have fillable forms on the County's website for people interested in serving on boards.
- m. **E911 Address Updates.** Zoning Administrator Penney Carpenter said the addresses have not been updated. Yocum said he received information on this,

and he was going to take care of it yesterday but didn't have time. He said there will be action taken on this.

- n. **Extension Educator Contractual Services.** Wilson stated that they signed the contract at the last meeting but did not make a motion to approve it, so they need to make a motion. A motion was made by Crossley and seconded by Yocum to approve the Extension Educator Contractual Services agreement. All in favor, motion carried.

IX. **New Business**


a. **Area Plan Commission**

- 1. **Proposed Driveway Amendment.** Carpenter said this is something the Commissioners had requested be done. She said it was advertised 10 days prior to the Area Plan Commission meeting approved at the meeting and now just needs the Commissioners approval. A motion was made by Crossley and seconded by Wilson to approve the Driveway Amendment. All in favor, motion carried.
- 2. **Rules of Procedure Amendment Article VII Public Hearings.** There was some discussion on the amendment. A motion was made by Wilson and seconded by Yocum to approve the Rules of Procedure Amendment Article VII Public Hearings. All in favor, motion carried.
- 3. **Proposed Commercial Solar Energy Amendment.** Carpenter said they have had several public hearings, and they have gone through the amendment line by line and they have had multiple meetings on this. There was considerable discussion on this. A motion was made by Wilson and seconded by Crossley to approve the Commercial Solar Energy Amendment. All in favor, motion carried.

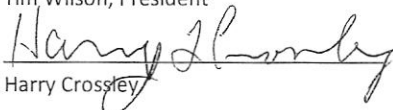
- b. **Joink – Road Cut Permit.** The Commissioners discussed the road cut permit for Joink. A motion was made by Wilson and seconded by Yocum to table this. All in favor, motion carried.
- c. **Sheriff – Give Old Vehicle to SVHS Law Enforcement Vocational Class.** The Commissioners discussed this and Yocum stated that as long as ownership is transferred to the school corporation he didn't have a problem with it. A motion was made by Yocum and seconded by Crossley to transfer ownership of an old sheriff's department vehicle to the South Vermillion School Corporation. All in favor, motion carried.
- d. **Drainage Issue in Cayuga.** Yocum said they are working with engineers on a drainage issue in Cayuga that has been an issue for years. He said they are looking into grant funding for this issue.

- X. **Adjourn.** A motion was made by Crossley and seconded by Yocum to adjourn. All in favor, motion carried.

Read in full and approved by the Vermillion County Commissioners on the 8th day of December, 2020.



Tim Wilson, President



Harry Crossley

Tim Yocum

Attest: Amy J. Tolbert/ls
Amy Tolbert, Auditor

Driveway Amendment to the
Vermillion County Zoning Ordinance
Ordinance #2020- 14

PURPOSE; The purpose of this Amendment is to promote the safety and general welfare of the citizens of Vermillion County through driveway locations and minimum standards which allow proper drainage of surface waters within the County ditches.

DEFINITION; A driveway is defined as a gravel or paved way for vehicular traffic extending from the roadway to the adjacent property line(s) for the purpose of providing access to said property.

Any new egress will be required to install a minimum of a 12-inch culvert measuring a minimum of 20 feet in length to help keep county ditches open. The Vermillion County Highway foreman will determine the actual diameter, length and type of culvert required.

The culvert may (not required to) be purchased through any Vermillion County Highway Garage at the Counties price. The Vermillion County Highway Department will install the culvert to meet County standards. As recorded in the Vermillion County Commissioner's minutes on September 29th, 2020.

This ordinance shall be in full force and in effect on November 24, 2020.

Passed by the Board of Commissioners of Vermillion County, Indiana on the 24th day of November, 2020.

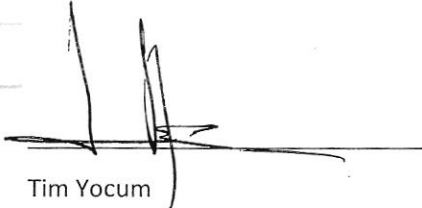
Board of Commissioners Vermillion County, Indiana



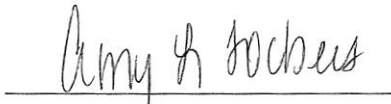
Tim Wilson – President



Harry Crossley



Tim Yocum



Attest:

COMMERCIAL SOLAR ENERGY AMENDMENT TO THE VERMILLION COUNTY ZONING ORDINANCE

Ordinance #2020- 15

Purpose

The purpose of this ordinance is to promote and encourage economic development, ensure protection of the health, safety and welfare of the residents of Vermillion County and avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands during the construction, installation and operation of Solar Energy Systems (SES) in Vermillion County, Indiana. This ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Scope

This ordinance applies to commercial solar energy installations in Vermillion County, Indiana.

Definitions

Concentrated Solar Power System: A solar energy system which uses mirrors to concentrate solar energy to create thermal energy which drives a steam or traditional engine.

Ground Mount: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Non-Participating: Refers to properties or the property owners, whether residence or open land which have not executed a Solar Access Easement or similar agreement with the owner or operator of the Solar Farm, or Solar Energy System.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Solar Collector: An assembly, structure, or design used for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Farm: A commercial facility that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Farms

Solar Farms may be approved as a Special Exception in the following zoning districts: agricultural, industrial I, industrial II, and Vermillion Rise, subject to compliance with the

regulations of this section and any conditions or commitments imposed at the time of the Special Exception approval. Provided, however that any conditions or commitments imposed by the BZA may not conflict with the specifications or regulations set forth herein. A one-time flat fee of five hundred dollars (\$500) for special exception shall be paid at the time of application.

1. Height: Buildings are limited to the height limitations of the subject zoning district. Ground-mounted solar energy systems may not exceed twenty-five (25) feet in height when oriented at maximum tilt. Transmission lines, substations and switchyards are not subject to the twenty-five feet height limit, but are subject to any height limits otherwise imposed upon the zoned area.
2. Setbacks and Lot Coverage: Permanent buildings are subject to the setback regulations of the subject zoning district. The design of the buildings and related structures associated with the Solar Farm shall use materials, colors, textures, screening, and landscaping that, to the greatest extent possible, will blend the facilities to the natural setting and surrounding structures. Ground-mounted solar energy systems must be set back at least one hundred (100) feet from all non-participating property lines; and, at least two hundred (200) feet from all non-participating residences. Exception of variance may be permissible, depending on individual circumstances.
3. Minimum Lot Size: The minimum lot size for any Solar Farm is five (5) acres, notwithstanding other required setbacks.
4. Ground Cover and Buffer Areas: The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover:
 - a. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover, with pollinator friendly seed mixes and native plants.
 - b. The site shall be planted and maintained to be free of all invasive species, as listed by the Indiana Invasive Species Council.
 - c. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in or around electrical boxes, ~~spot-control-of~~ noxious weeds, or as otherwise may be deemed necessary to protect public health and safety.
 - d. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
 - e. An exemption can be granted if current vegetation supports wildlife or serves other useful purposes including co-location with agricultural operations or gravel can be used in lieu of vegetation if soil cannot support suitable vegetation.
5. Security Barrier: Solar energy systems that are part of a solar farm shall be enclosed by a perimeter security fence or other approved barrier with a minimum height of at least

seven (7) feet. The fence may either be around the entire solar farm, or the solar panels. The use of razor wire is prohibited unless otherwise expressly approved by the Board at the time of Special Exception approval or as required.

6. Lighting: Solar Farms may not be artificially illuminated unless required by the Federal Aviation Administration (FAA) or other applicable government agency or authority. Permanent lighting around substation is permitted as required by the National Electric Code. All permanent lighting provided for the operational phase of the Solar Farm shall be shielded away from nonparticipating adjacent properties and positioned downward to the extent possible to minimize light emission onto adjacent properties.
7. Glare: Solar Farms shall be designed, constructed, and sited to minimize glare or reflections on adjacent properties and roadways and not to interfere with traffic, including air traffic, or otherwise create a safety hazard.
8. Approved Solar Components: All electrical components shall conform to applicable state and national codes, and relevant national and international standards.
9. Noise: Upon completion of the solar farm, noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence on a nonparticipating property.
10. Outside Storage: Permanent outside storage of materials and equipment is prohibited unless expressly approved by the Board at the time of Special Exception Approval. It is understood that temporary outside storage is necessary during the construction phase of the project.
11. Underground Utilities: All medium voltage cables between the inverter locations and project substations shall be located and maintained underground. Other solar infrastructures, such as module to module collection cables, CAB cables, transmission lines, substations, junction boxes, and other typical above ground infrastructure may be located and maintained above ground. Any and all cabling and other items mentioned shall meet the National Electric Code.
12. Coordination of Local Emergency Services: The owner-operator of the Solar Farm must coordinate with local emergency services staff to provide materials, education, and training to departments serving the property with emergency services in how to safely respond to on-site emergencies, if necessary.

13. Abandonment and Decommissioning: Solar Farms which do not produce energy for a continuous period of one year or more are presumed to have been abandoned.

- a. The owner-operator shall notify the Vermillion County Planning and Zoning Commission by certified mail, return receipt requested, of the proposed date of discontinued operations and plans for removal. Decommissioning/removal shall be performed in compliance with the approved decommissioning plan. The Board may approve any appropriate amendments or modifications of the decommissioning plan. Any solar farm that has been abandoned must be decommissioned and removed within eighteen (18) months.
- b. Decommissioning shall consist of:
 - i. Physical removal of all solar photovoltaic installations, structures, equipment, security barriers, and transmission lines from the site.
 - ii. Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
 - iii. Energy cables which are buried greater than three (3) feet below the surface are not required to be removed as part of the decommissioning process.
 - iv. Stabilization of re-vegetation of the site is necessary to minimize erosion.
- c. Decommissioning Plan:
 - i. Decommissioning Plan outlining the anticipated means and costs of removing the solar farm must be submitted with the Special Exception application.
 - ii. As part of the Plan the owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning the Solar Farm.
 - iii. Said decommissioning cost estimate must be prepared by a Board approved, Indiana licensed engineer, who is independent from the operations of the owner/operator.
 - iv. Said decommissioning cost estimate shall be updated every five years, and the same filed with the Board, and the decommissioning surety must be increased as appropriate to cover additional anticipated decommissioning costs.
 - v. The owner/operator must provide a financial guarantee to cover the approved decommissioning cost estimate. The financial guarantee must be in the form of a bond, letter of credit, cash, or other surety approved by the Vermillion County Commissioners.
 - vi. Such surety shall be submitted and approved prior to any permits being issued for the Solar Farm.
 - vii. Surety bond shall be in place based upon the following schedule:
 1. Twenty-five percent (25%) is due at the time the permit is issued;
 2. Twenty-five percent (25%) is due upon the completion of construction of the project;

3. The remaining fifty percent (50%) is due after the first year of operations.
14. Monitoring and Maintenance: The owner/operator shall be responsible for keeping the facility in a safe and well-maintained condition, including painting, grounds-keeping, structural repairs, maintaining internal access drives, and the integrity of security measures.
15. Proof of Capability and Expertise: The owner-operator must provide reasonable evidence of capability and expertise to construct the solar farm and all required improvements, as determined by review and decision-making bodies at the time of special exception approval.
16. Submittal Requirements: All applications for Special Exception approval shall include the following information in addition to the customary submittal requirements for Special Exception applications:
 - a. Site plan showing property lines and physical features, including roads, setbacks, floodplain or any special flood hazard areas (if applicable), buildings, solar panels, right-of-way, landscaping, and any zoning district designation for the subject property and all adjacent abutting properties.
 - b. Approximate number, location, and spacing of solar panels or arrays.
 - c. Proposed locations of underground or overhead electric lines.
 - d. Interconnection service agreement or evidence of filing required interconnection service applications with the electric utility.
 - e. Operation and maintenance plan of the solar farm, including measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.
 - f. Proof of liability insurance.
 - g. Emergency response plan.
 - h. Decommissioning plan as aforementioned.
17. Avoidance and Mitigation of Damages to Public Infrastructure:
 - a. Roads: Prior to construction, the owner/operator shall identify all roads to be used for the purposes of transporting components and equipment for construction, operation, or maintenance of the solar farm and obtain applicable permits from the Vermillion County Board of Commissioners.
 - b. Existing Road Conditions: The owner/operator must, prior to construction, conduct a pre-construction survey, in coordination with the Vermillion County Highway Department to determine existing road conditions. The owner/operator is responsible for ongoing road maintenance and dust control measures identified by the Vermillion County Highway Department during all phases of construction and installation.
 - c. Drainage System: The owner/operator will work with the landowners and the Vermillion County Surveyor using reasonable practicable methods to identify existing subsurface drainage systems. The owner/operator will repair damage to

drain tiles and other drainage systems that result from the construction, operation, or maintenance of the solar farm within a reasonable period of said damage occurring. The repair may include the option to repair as originally found, re-routing, or installing new tile as to not negatively impede the flow of water outside the fenced project boundary.

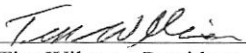
18. Prohibited System: Concentrated solar power systems are prohibited.

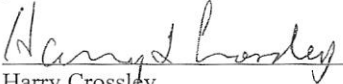
19. Signage: No permanent signage, other than appropriate warning signs at the entrance of the facility is permitted without additional special exception. Said warning sign shall not be larger than 3' x 2' and shall include a twenty-four hour contact phone number for emergencies and any other necessary emergency contact information. It is understood that additional signage may be required during the construction phase of the project.

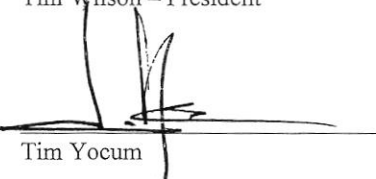
This ordinance shall be in full force and in effect on November 24, 2020.


Passed by the Board of Commissioners of Vermillion County, Indiana on the 24th day of November, 2020.

Board of Commissioners Vermillion County, Indiana


Tim Wilson – President


Harry Crossley


Tim Yocum


Attest:

Vermillion County Area Plan Commission

Rules of Procedure Amendment

Article VII

Ordinance #2020- 16

Section 2. A petitioner who seeks to amend the zoning ordinance, subdivision ordinance, comprehensive plan or other matter (i.e. special exception or variance) under the jurisdiction of the Commission shall file a petition with the Commission. Three (3) copies of the petition, application or plat must be filed with the Commission at least eighteen (18) days prior to the next regularly scheduled Commission meeting.

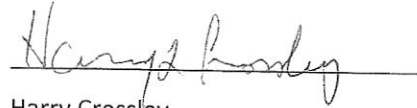
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