

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
FEBRUARY 17, 2020**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, February 17, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented a road bore from Precision Utilities Group at 14857 12th Road, between 12B Road and Olive Trail, in Center Township, for customer requesting CenturyLink service. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore from Precision Utilities Group at 14857 12th Road, between 12B Road and Olive Trail, in Center Township, for customer requesting CenturyLink service. Motion carried 3-0.**

Superintendent Peters provided a department update stating Council voiced support in submitting an additional appropriation for \$600,000 reflecting the remaining 2018 Flood appropriation to fund remaining projects. Quarterly Bridge Reports were submitted for the Countywide Bridge Inspections, King Road, 11th Road, Upas Road and Hickory Road Bridges. Call for Projects were awarded for Bridge #11 Union Road in the sum of \$1,080,960 and Bridge #232, Randolph Street in the sum of \$2,254,480, both requiring a 20% match.

PLAN COMMISSION

Director Ty Adley displayed a PowerPoint presentation providing an overview of Ordinance 2020-07: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, which amends 6.040.J (Surface Water).

Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Ordinance 2020-07. Motion carried 3-0.

No comment was heard.

Stan Klotz moved, second by Mike Burroughs, to close the public hearing on Ordinance 2020-07. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to pass Ordinance 2020-07: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance on first reading, which amends 6.040.J (Surface Water). Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-07: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, which amends 6.040.J (Surface Water) on second and third reading. Motion carried 3-0.

Director Adley displayed a PowerPoint presentation providing an overview of Ordinance 2020-08: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, Exhibit A including articles pertaining to Solar Energy. Attorney Clevenger stated that he has discussed the Ordinance with Barnes & Thornburg.

Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Ordinance 2020-08. Motion carried 3-0.

Russel Allyn, 15315 Thorn Road, Culver, Indiana provided documentation concerning environmental progress, 2019 Indiana Renewable Energy Resources Study by Purdue University and an article published on www.Forbes.com on May 23, 2018 entitled “If Solar Panels Are So Clean, Why Do They Produce So Much Toxic Waste?” Mr. Allyn is in favor of supporting the moratorium.

Chris Kline, 20435 Queen Road, Culver, Indiana, stated that he works for JF New Company, a global environmental engineering firm and has 35 years’ experience in environmental oversight, explaining that solar waste is not a concern and solar is an efficient source of energy in this geographic area. Mr. Kline stated that he is not in favor of the moratorium as we are trying to attract individuals and other businesses into the Marshall County community, stating the moratorium sends the wrong message establishing an unfriendly environment, restricting economic growth by limiting commercial scale solar development, which will create jobs.

Adam Thada, 10650 Park Lane, Plymouth, Indiana, offered project management services to the County. Explaining long range planning reserves agriculture property for recommissioning benefiting future generations, stating that he is in support of passing the ordinance and the economics surrounding solar energy.

Stan Klotz moved, second by Mike Burroughs, to close the public hearing on Ordinance 2020-08. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to pass Ordinance 2020-08: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, Exhibit A including articles pertaining to Solar Energy on first reading. Motion carried 3-0.

Commissioner Burroughs stated that he would like to allow Barnes and Thornburg time to further update the Commissioners on standards for solar projects.

Director Adley displayed a PowerPoint presentation providing an overview of Ordinance 2020-09: An Ordinance Establishing Fees Required by the Marshall County Zoning Ordinance, In Article 11, Section 010, C. Application Amending Fee Ordinance (Ordinance 2012-17).

Mike Burroughs moved, second by Stan Klotz, to open the public hearing on Ordinance 2020-09. Motion carried 3-0.

No comment was heard.

Mike Burroughs moved, second by Stan Klotz, to close the public hearing on Ordinance 2020-09. Motion carried 3-0.

Mike Burroughs moved, second by Stan Klotz, to pass Ordinance 2020-09: An Ordinance Establishing Fees Required by the Marshall County Zoning Ordinance, In Article 11, Section 010, C. Application Amending Fee Ordinance (Ordinance 2012-17) on first reading. Motion carried 3-0.

Director Adley displayed a PowerPoint presentation providing an overview of Ordinance 2020-10: An Ordinance to Establish a Moratorium Concerning the Development of Solar Farms on Property within Marshall County, Indiana. Discussion was held concerning the bonding process and the length of time a bond may be held. Attorney Clevenger recommends that any landowners being presented with a lease to contact an attorney for review of the contract. It was discussed that if the questions are answered prior to the moratorium expiring, the moratorium may be lifted.

Stan Klotz moved, second by Mike Burroughs, to pass Ordinance 2020-10: An Ordinance to Establish a Moratorium Concerning the Development of Solar Farms on Property within Marshall County, Indiana on first reading. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-10: An Ordinance to Establish a Moratorium Concerning the Development of Solar Farms on Property within Marshall County, Indiana on second and third readings. Motion carried 3-0.

Mike Burroughs moved, second by Kevin Overmyer, to appoint Stan Klotz to the Commissioners Task Force for Solar Review. Motion carried 2-1, with Stan Klotz voting no.

EMA

Director Clyde Avery presented the EMA Director's Quarterly Report (December 3, 2019 – February 16, 2020) stating that he has received the 2020 EMA Assessment from the Indiana Department of Homeland Security and distributed it to the members of the EMA Advisory Council for review and feedback.

Director Avery presented the Marshall County Board of Commissioners Letter of Promulgation (Amendment to Document Number 201901107 – Dated 3/18/2019 – Due to New Commissioner) for approval. **Mike Burroughs moved, second by Stan Klotz, to accept the Marshall County Board of Commissioners Letter of Promulgation. Motion carried 3-0.**

The Commissioners discussed the AIC presentation on cybersecurity and the Secretary of State endorsed FireEye, which provides cybersecurity at no cost to Indiana counties through 2022.

MARSHALL COUNTY PARK BOARD

Deb VanDeMark and Curt Palmer requested the Commissioners consider establishing a Park Board; designating Memorial Forest as a County Park and connecting the municipalities with walking trails. Mr. Palmer explained that the Park Board would have to be established according to I.C. 36-10-3 and that by having a formal board, grant funding opportunities would be available. The Commissioners support having an Ordinance presented establishing a Park Board.

TREASURER

Treasurer Angie Birchmeier requested permission to extend the office hours for 2020 Property Tax Collection.

Spring Collection (due May 11th):

Friday, May 8th from 8:00 am to 6:00 pm

Saturday, May 9th from 9:00 am to 12:00 pm

Monday, May 11th from 8:00 am to 6:00 pm

Fall Collection (due November 10th):

Saturday, November 7th from 9:00 am to 12:00 pm

Monday, November 9th from 8:00 am to 6:00 pm

Tuesday, November 10th from 8:00 am to 6:00 pm

Mike Burroughs moved, second by Stan Klotz, to allow the extended office hours as presented for 2020 property tax collection. Motion carried 3-0.

Treasurer Birchmeier explained that there will be new tax statements for 2020.

COMMUNITY CORRECTIONS

Director Ward Byers presented two estimates for the purchase of a vehicle:

Oliver Ford - 2017 Ford Taurus, 13,400 miles, in the sum of \$20,000

Country Auto - 2019 Chevrolet Equinox, 11,000-15,000 miles in the sum of \$19,850

Explaining that funding has been appropriated in the Community Transition Fund 1123.

Mike Burroughs moved, second by Stan Klotz, to approve the purchase of a 2017 Ford Taurus in the sum of \$20,000 from Oliver Ford. Motion carried 3-0.

Director Byers requested the purchase be allowed as a pre-payment. **Stan Klotz moved, second by Mike Burroughs, to authorize the pre-payment to Oliver Ford for the vehicle purchase. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Jail Expansion Project: Angie Hensley and Samantha Goodsen from Indiana Court Services will be meeting with the County judicial officials on March 4, 2020. The services to be provided will be an assessment of our County's pretrial practices. Ms. Hensley has already spoke with Chief Probation Officer James Bendy and is aware that our County is already following practices that

court services would recommend. Ms. Hensley and Ms. Goodsen will review other practices to see if we cannot reduce the number of inmates that are being held in the jail while awaiting trial. Ms. Hensley emphasized that their assessment and final report will not make a recommendation as to whether or not the County needs to expand the jail.

Jail Lawsuits

ACLU Lawsuit: Lisa Barron has been working with Chief Jailer Andrew Holcomb in order to provide the last of the materials requested by the ACLU counsel. Much of the supplemental information had to do with jail staffing. Ms. Barron had some additional questions about the Sheriff adding jailers. She was going to send the last of the information to the ACLU counsel by the end of last week. Our strategy is to schedule an ACLU visit to the Marshall County Jail in March with the hope that thereafter, we can reach an agreement to stay the case. Our inmate count last week was two less than the number of permanent beds.

Damage Claim Lawsuits: Nothing new to report.

Senate Bill 256: This bill that establishes a third superior court in Marshall County has passed out of the Senate and has been referred to the House. We have received mixed reviews of how that bill will be received by the House of Representatives.

Solar Energy Regulations: The Plan Commission adopted some modified regulations concerning the establishment of solar energy systems. For the most part, the regulations related to small users are the same, regulations for large commercial solar farms were enhanced.

New Business:

County Park Board: Judge Palmer provided a proposed ordinance establishing a Marshall County Park and Recreation Department.

New ERA Technology: New ERA Technology proposes to renew their Polycom Video Conferencing System service plan with the Marshall County courts and jail. The one (1) year price is \$4,740 and the three (3) year price for the same services is \$11,925, a savings of \$2,295. **Mike Burroughs moved, second by Stan Klotz, to approve the New ERA Technology Polycom Maintenance Renewal for a three year term in the sum of \$11,925. Motion carried 3-0.**

Jail/Quality Correctional Care Contract: The new contract with QCC is different than previous contracts. Attorney Clevenger will need to meet with the Sheriff and propose some changes to that contract.

AUDITOR REPORT

February 3, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of February 3, 2020. Motion carried 3-0.**

February monthly claims: **Mike Burroughs moved, second by Stan Klotz, to approve the February monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Commissioner Overmyer stated that an incentive check was received from NIPSCO for our participation in the NIPSCO CUSTOM/PRESCRIPTIVE Incentive Program in the sum of \$10,640 for completion of the lighting project.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 10:59 am. Motion carried 3-0.**

Kevin Overmyer, President

Stan Klotz, Vice President

Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor