

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD March 25, 2024**

Comes now the hour of 8:30 am. on the 25th day of March, 2024 in the Commissioners Room in the Noble County Annex building, Albion, Indiana, being the time, date and place set for a regular session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President
Anita Hess, Vice President
Gary Timmerman, Member

Also present were:

Jacqueline L Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Matt Getts, KPC Media
Zack Smith, Highway Engineer

Gary Leatherman, Commissioners President, brought the meeting to order at approximately 8:30am.

COMMUNITY CORRECTIONS

Danyel Wagner, Jared Owen, and Judge Steven Clouse were present to get permission to apply for the Community Corrections grant once again this year. Judge Clouse informed the group that the grant will be on the calendar year beginning January of 2025 which will make it much easier to manage. Anita Hess moved to approve the application of this grant for another year. Gary Timmerman seconded and the motion carried 3-0.

In additional business, Judge Clouse requested that the appointments to the Community Corrections board be done. Anita Hess moved to appoint James Abbs, Erik Smith, Jessica Lopez, Doug Harp, Jared Owen, Jessic Walker, Matt Stinson, Amy Johnson, Kris Houser and Dennis Graft to the board. There are two open spots that will be reviewed and appointed at a later time. Gary Timmerman seconded and the motion carried 3-0.

HEALTH DEPARTMENT

Carrie Ryan, Health Nurse, brought the new school liaison nurse to the meeting to introduce her to the commissioners. Molly Jensen began work for the department on Friday March 22, 2024. Carrie explained that Molly has a BS in nursing and has worked within the school system. With this experience, Carrie is asking that the 10% reduction in pay be waived. Also reviewed was Molly's employment contract. Anita Hess moved to approve the contract beginning 3/22/24 through December 31, 2024 and also the 10% reduction waiver. Gary Timmerman seconded the motion. Motion carried 3-0.

CORRESPONDENCE

- IDEM – Creative Liquid – air permit
- Information from Geswein Farm & Land concerning appraisals.

MINUTES

Minutes of the previous meeting were read and approved as corrected with a motion from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.

PAYROLL

Gary Timmerman moved to approve the 3-page payroll report. The report totaled \$503,468.63. Anita Hess seconded the motion. Motion carried 3-0.

CLAIMS

Claims dated 3/25/24 were reviewed. The 12-page report totaled \$1,323,409.40 and was approved with a motion from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.

SIGNOS CONTRACT

A new contract for the Signos Interim Program was reviewed - this was originally set for 10 people for 9 months. Jackie reported that in review of the program with the insurance program there will be this program used as part of the treatment plan employees in a prediabetic situation. This will

then be used by members as a preventative situation for diabetes. Gary Timmerman moved to approve the agreement. Anita Hess seconded and the motion carried 3-0.

ENTERPRISE

There was an agreement that was sent to the county from Enterprise for the selling of county vehicles when one was leased from them. The commissioners, along with the county attorney, discussed and did not see a need to sign this at this time as the county has a plan in place for the selling of county owned vehicles.

VOTING LOCATIONS

The Noble County Clerk has provided a list of voting locations, dates and times for the upcoming primary election. The large hall area on the 2nd floor will be used for the early voting here at the annex building. Gary Timmerman moved to approve the list of locations. Anita Hess seconded the motion. Motion carried 3-0.

CEDIT AMENDMENT

Jackie brought a couple of amendments to the 24/25 CEDIT plan. The commissioners had agreed to a \$50,000.00 increase in the operating expenses for the Economic Development Corp last fall. This was after the CEDIT plan was developed and budgets were approved. This is an amendment to Project 1 increasing the amount from \$100,000.00 a year to \$150,000.00 a year. The second issue for amendment one was adding the installation of the sewer hook-up at the south complex. The expected cost is thought to be around \$88,000.00 so this was added as Project 16. Motion to approved Amendment #1 to the 24/25 CEDIT plan was made by Anita Hess. Gary Timmerman seconded and the motion carried 3-0.

HIGHWAY

Richard Rogers, Highway Inspector, has the following information for the commissioners:

- Utility Permit – Frontier communications
- Richard has a quote for spray herbicides. Richard told the commissioners that he tried to get other quotes but did not get a response from other companies. The quote came from Midwest Spray in the amount of \$23,952.00. Gary Timmerman moved to approve the purchase of the herbicides from Midwest Spray. Anita Hess seconded the motion. Motion carried 3-0.

Zack Smith, Highway Engineer, has the following engineering business to bring before the commissioners:

- Call for Projects – Zack reported that the early coordination has been scheduled for next month
- CCMG 2024-01 - this has been submitted and Zack is hoping to find out next month if Noble County will receive any funding.
- Bridge Deck Overlay – Bid Opening – only one bid was received for this project. The bid came from Niblock in the amount of \$106,472.75. Anita Hess moved to accept the bid to be taken under advisement. Gary Timmerman seconded the motion. Motion carried 3-0.
- Bridge 33 – the drainage letter has been received
- 400 N – Zack reported that work should begin April 8, 2024
- Bridge 136 – Zack has pictures available of the progress being made on this project. There were some issues with the dewatering due to the recent rain event but the crews have that situation under control at this time. There is an LPA voucher needing approval for this project. This is for construction engineering in the amount of \$6,145.68. Gary Timmerman moved to approve the voucher. Anita Hess seconded and the motion carried 3-0.
- Ball Road – Zack received notice that this project has been identified as a candidate for 100% safety funding.
- Bridge 134 – An LPA voucher for preliminary engineering was received in the amount of \$2,057.50. Gary Timmerman moved to approve Anita Hess seconded and the motion carried 3-0.
- Old State Road 3 – the LPA voucher for this project is in the amount of \$48,900.00 and is approved with a motion from Gary Timmerman. Anita Hess seconded the motion. Motion carried 3-0.
- Bridge 59 – Gary Timmerman moved to approve the LPA voucher for bridge 59 in the amount of \$7,955.00. Anita Hess seconded and the motion carried 3-0.

- County parcels - Albion Road – Zack reported that at one of the classes he attended at road school, he was told that if a parcel's value is less than \$25,000.00 then the county only needs to get one appraisal rather than two. Zack feels that this would apply to the parcels on Albion Road that a party is interested in purchasing from the county. Title work has been completed and there are legal descriptions for all 5 parcels. Zack was asked to look into one appraisal and check with the interested party to see if he would be willing to reimburse the county for all expenses.
- Lakeside Drive at Knapp Lake – Zack has received a petition from the residents on Lakeside Dr at Knapp Lake – Zack reported that there would need to be some issued with this drive prior to accepting it into the county-maintained miles. It is currently gravel and Zack reported that the residents would like to keep it that way and just mainly want snow removal etc. to be done by the highway department. Zack will come up with a cost estimate to bring the road up to highway standards for acceptance.

COURTHOUSE

Zack Smith, Project Manager, updated the commissioners on the progress on the renovation of the courthouse:

- Zack provided pictures of the concrete work on the third floor. He reported beam settings and mechanical work all being done. “There is a lot of work being done by a lot of sub-contractors”.
- Zack provided a copy of the minutes from the last construction meeting held.
- Zack reported that PCO is nearing completion.
- PCO 4 – this is for HVAC in the amount of \$754.00 of which contingency will be used. Gary Timmerman moved to approve with a second from Anita Hess. Motion carried 3-0.
- PCO 14 - \$3,900.33 - this is for studs/ drywall / ceiling. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0.
- PCO 15- \$702.63. Motion to approve this came from Gary Timmerman and was seconded by Anita Hess. Motion carried 3-0.
- PCO 16 – Roof Specialties in the amount of \$167,800.00. Motion to approve came from Gary Timmerman with a second coming from Anita Hess. Motion carried 3-0.
- PCO 17 - \$2,705.13. Motion to approve this came from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.
- PCO 19 – this is for some extra work in the amount of \$518.70. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0.
- PCO 20 – This is for casework in the amount of \$697.43 with the HVAC was subtracted in the amount of \$527.89 leaving a balance of \$186.25. Motion to approve this came from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.
- Zack shared correspondence between Nick Petersen, the judges and Zack from Pierceton Woods Academy and Diskey architectural signage.
- There was also some information between Weigand and the IT department concerning low voltage.

REZONINGS

- Teresa Tacket, Plan Director, and Sara Campbell, Code enforcement, along with Noah Sheeley , mobile home park owner, were all present to request the rezoning of S & H Properties for 2 acres to be rezoned from MH to A1 to allow for the building of a residential home. Teresa indicated that the plan commission board has given a favorable recommendation for this. Gary Timmerman moved to approve the rezoning. Anita Hess seconded and the motion carried 3-0.
- Teresa Tacket, Sara and a representative from Wawasee Area Conservation Foundation were present for this rezoning of 5.24 areas from OS to A1. Motion to approve this came from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.
- The last rezoning is in connection with the Wawasee rezoning. This is for 5.26 acres in the name of K & S Holdings to be rezoned from A1 to OS. Gary Timmerman moves to approve this as well. Anita seconded and the motion carried 3-0

SHERIFF

Max Weber, Noble County Sheriff, is present to discuss the security x-ray machine here at the annex. There have been a few issues with it and he is looking into a maintenance agreement with the company. Max indicated that he could pay this out of his funds at the jail. As for the one that is currently stored for the courthouse, he is reporting that because of the age of the unit, they

no longer make parts for that machine. He is looking in to ordering a new machine for the Courthouse when it opens.

UDO PUBLIC HEARING

The Commissioners held a meeting to amend the text of the Noble County Zoning Ordinance. There were amendments to Article 1, 2, 5, 9 and 11. (see ordinance 2024-08). There were several people in attendance for this meeting and not all could fit into the meeting room that was available. Gary Leatherman started the hearing with the statement that this was NOT a meeting to approve any solar plan as none have come into the county at this time. This meeting was to clarify the UDO and to make it more restrictive than it is presently. Most importantly was the “surety” and giving the ability to require an escrow to be collected with the legislative body to set the cost. Teresa Tacket, Zoning administrator, was also present and told the group that the company that was hired to review the solar ordinance and is wanting to incorporate it into the UDO, found several inconsistencies and were trying to clear all of this up. Several of the people in attendance signed up to speak at the public hearing. The commissioners allowed 10 minutes in the beginning for the ones in opposition to the solar. The recorded version of the meeting is available to anyone wishing to hear the transcript in its entirety. Those speaking in opposition were:

- Patty Seman, Rose Rickey, Trevor Furnish, Tony Mast, Jenny Stringfellow, Jonathan Sieber, Olivia McGahan, Mike Eling, Stacey McGinnis, Deb Uhl, Linda Gray, Rodney Petersen, Anissa Bloomfield, Randy Schriver

Most all of the speakers, commented on the opposition to the solar in general, not the issue before the commissioners which was tightening up the restrictions to the solar companies in the adding of the escrow wording. Gary Leatherman tried to emphasize this many times during the meeting. Gary Timmerman voiced his opposition to the UDO in general and feels that “the whole document needs to be revised”

When fire safety was discussed, Gabe Creech, EMA Director, was present and indicated that even though he was on the committee and would be a part of the review board that reviews the plans, he would also get the input from the local fire department as to the best course of action for safety. Anita Hess reiterated time and time again, that the commissioners were listening to their concerns, that the changes that have been made over many months were made because of their concerns and comments. This change - as far as escrow goes – came from the comments made by many of those present today.

Gary Leatherman again told the group that amendments will continue to the ordinance. It is not done until it’s done.

Everett Newman, Plan Commission Attorney, reminded the group that there have been months - even years of public meetings on this ordinance. Again, he told the group that many of the changes that were made to the solar ordinance came from this group.

Olivia McGahan had indicated to the group that a residence has a set back of 85 feet from the center of the road and if the set back for solar on the other side of the road is also the 85 feet that is only 170 feet from residence to solar. George Bennett clarified this in the fact that this does exist in the changes but that the 300 feet from the residence would take precedence over the 85 ft setback issue.

There was a lot of information given to the commissioners concerning emissions, carbon intensive activities, waterway pollutions, fire risks, temperature increase, property values impacts within ½ mile to ½ miles from a solar field, the results of natural disaster to the solar panels, and the rights to enter solar fields by official for inspection, and emergencies.

PRO – Trina from Genex was present to represent the handful of people who were present in support of solar. She indicated that the company is in support of all of the changes that have been made. They want to work with the people of Noble County in making this process work. She cited issues of property values increasing and told the group that technology has improved and the field panels are made of most of the same material used in residential solar units.

In conclusion:

Gary Timmerman again told the group that he feels the entire UDO needs to be redone. “Noble County is the most restrictive when it comes to the UDO”. He questioned Dennis about how to go about a moratorium or “pause” for solar application until this can be figured out. He would like to form a committee to work on the solar ordinance. Dennis indicated that this would have to be an advertised public meeting and then recommendation (specific) would need to be sent to the plan commission boards for their review which would then come back to the commissioners form final approval.

All of the commissioner’s are in favor of amendments when needed to improve this document.

At 12:15pm, Gary Leatherman concluded the discussion and asked for a motion as to the next step, Anita Hess again told the group that they are listening to them, trying to make changes for the better to this document and she feels that the changes today are better and more restrictive than the document in place today and with that she moved to accept the UDO changes that were before the commissioners today. Gary Timmerman told the group that he would NOT second this motion. Gary Leatherman then seconded the motion. The motion carried 2-1 with Gary Timmerman voting against the changes indicating "we need to come up with a new plan".

LIBRARY LETTER

Gary Leatherman told the group that he was contacted by the Noble County Library asking that a letter be written from the commissioners concerning the libraries help during the COVID outbreak. The County was able to use their facility for COVID vaccines for an extended period of time. Gary told the group that he would draft that letter and send to them for their review.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:20^{p.m.} recessed from day to day until April 8 2024.

Dated this 9th day of April, 2024



Gary D. Leatherman, President



Anita Hess, Vice President



Gary Timmerman, Member

ATTESTED: 

Michelle Mawhorter, Auditor