

The Shelby County Commissioners met on Monday November 4, 2024, at 8:00 a.m., present were Commissioners, Nigh, Parker, Abel, County Attorney and County Auditor.

MINUTES:

Motion to approve October 28, 2024, minutes was made by Abel, seconded by Nigh, approved 3-0.

SHELBY SENIOR SERVICES / SHELBY GO INVOICE:

Kim Koehl presented their quarterly Shelby Go billing for their grant to the Commissioners in the amount of \$44,912.00. Motion to approve was made by Parker, seconded by Abel, approved 3-0.

RUNNEBOHM CONSTRUCTION / ROAD CLOSURE REQUEST:

Chris King with Runnebohm Construction is requesting to close two hundred North between Michigan Road and 200 W for approximately 2 weeks starting on December 2, 2024, to install a storm sewer. Motion to approve was made by Nigh, seconded by Abel, approved 3-0.

PLAN COMMISSION / AMENDMENT OF UNIFIED DEVELOPMENT ORDINANCE:

Desiree presented the Commissioners with a Text Amendment of the Shelby County Unified Development Ordinance, amending Article 2; Zoning Districts, repeal Article 5, Section SES-01-Commercial Solar Energy Facilities, and to add Article 3, Sections 3.12-3.16 Commercial Solar Energy Facilities (CSES) Overlay District. Desiree presented the amendment stating this was voted on by the Plan Commission on October 22, 2024, with a vote of 6-1. Some of the changes will repeal the Ordinance that allowed the solar facilities through the special exception process and now does this a zoning overlay district so that will have it go through the Plan Commission and County Commissioners versus the BZA. As far as approval, there were also some more restrictions added to the ordinance, setbacks were increased, there was a fencing standard added, standard for noise, standards for outdoor storage, a road use agreement, it increased the review of the bond from three years to five years. There was a restriction on the size of all solar projects in the county, which is 1% of the cropland in Shelby County by the U.S. Census of Agriculture which that amounts to about 2,000 acres. This does not apply to the original solar project, but it will for the projects now moving forward. One of the standards is lessened and now allows property or non-participating property owners to waive setbacks and landscaping requirements if they choose not to have those. At this time, the floor was opened to the public for comments.

Kyle Barlow 2688 S 625 W, Shelbyville – Kyle would like for the Commissioners to please approve these amendments, he feels that not everyone is for Solar at least this is fair to both sides and wanted to thank everyone for all of their hard work on this.

Jeff Clark 5871 N 300 E, Shelbyville – agrees with Kyle Barlow and we need to consider people in the area and protect participating and nonparticipating residence.

Debbie Seaton 7459 E 700 N, Morristown advised she is in the middle of the solar project on the east side and wanted to thank you for taking the time to look into this. I am not a good neighbor to this project and really want to be a good neighbor to all. They are out there 12 hours a day, 7 days a week. We were told they would work during regular work hours they start before daylight and go on into the night, 7 days a week. She has a couple questions, are they asking not to plant the landscaping around this project? The other question is if they do not plant the landscaping around this project where does the money go? Parker wanted to confirm she was talking about the current project that is going on right now, Seaton advised yes, this is on the current project. Parker asked Desiree to address this. Desiree advised the company is going to be applying for a variance to waive the landscaping requirement adjacent to the non-participating property owners who have agreed to waive the landscaping requirement. So, anyone who has

not agreed to waive the landscaping requirement, they still have to plant the landscaping. And this has not been approved yet. They need to apply for the and will have to go through the public hearing requests for that.

Desiree advised there is one thing she forgot to mention is there will be a restriction that would only be one project per 10 years. Nigh had a couple of questions. One the road frontage setback minimum of five hundred feet from the center line, is there any provisions if it would happen to be the same property owner that owns both sides of the road? Desiree advised there is not, there is a provision to waive it. In that instance, they could ask for a variance from the BZA, but that would have to go through the variance process after it was rezoned. Nigh advised he did not know if that was definite that it had to be that way because I like the part on the setback that the non-participating owners can do that. So, I am just wondering if something could be added to make that where if it is the same property owner on both sides, it is not affecting anybody if the setback could be. Desiree advised she thinks the idea behind that is if you have someone in the community driving on the road who does not live there necessarily, and that way they are not seeing the solar project if it is five hundred feet back on both sides. Nigh advised he has never heard that once a project is done that no more can be done for 10 years and has just never heard of those stipulations put in place that are going to strap everyone that is dealing with this.

Desiree advised Megan Hart was the one who proposed this language and her idea behind that was that when you have a project under construction, there's so many county resources going to manage that project, that we would not want to approve another project while that is being built and it takes them so much time to build the project right? Nigh asked if that was 10 years from the time, they put the application in? Desiree advised it is 10 years from the time it is approved by 10 years from the time the zoning is approved for the facility. Nigh advised he thought that was a big gray area and that is going to be hard. Desiree advised that it was added during the Plan Commission meeting, so she did not have a lot of input on that. Commissioner Abel advised if you go back to the minutes and recordings of the Plan Commission meeting, there was some healthy debate on some of these provisions. Abel, feels the fact that both sides of the spectrum didn't get everything they were asking for, there were unhappy folks on both sides of the equation, that to me is indicative of a reasonable compromise and feels this provides better balance of neighboring property rights land owners to commit to these types of projects, so should they so choose. At this time Abel made a motion to approve the amendment to the Unified Development Ordinance, Nigh would like to amend the motion to strike portions of 3.16 the district size. Nigh advised he is not comfortable at all with the 10-year time frame and would like that portion out of the district size out. That would be his motion to amend this motion. Parker advised that he feels that in the future if they see a need to change the acreage size or the scope of the project, they could do that in the future. At this time Parker made a motion to second Able's motion. Motion passes 2-1 (Nigh).

SHERIFF:

Nothing

HIGHWAY:

Nothing

CLAIMS:

Payroll – Motion to approve payroll was made by Nigh, seconded by Abel, approved 3-0.

Monthly Claims – Motion to approve monthly claims was made by Nigh, seconded by Abel, approved 3-0.

Refund – Motion to approve a refund in the amount to \$29,845.40 was made by Nigh, seconded by Abel, approved 3-0.

TRANSFER / ADDITIONALS:

Cum Bridge – Request for an additional appropriation for Bridge #30 in the amount of \$350,000.00 and Bridge #58 in the amount of \$655,000.00. Motion to approve was made by Abel, seconded by Nigh, approved 3-0.

MISCELLANEOUS:

EMERGENCY MANAGEMENT:

Denis Ratekin advised they have started on the bathrooms in his building. This was information only, no action needed.

JOHN DEPREZ/ PUBLIC DEFENDER BOARD:

John DePrez advised it was time for the Commissioners appointment to the Public Defender Board. The Board is requesting the re-appointment of Steven F. Lancaster. His new term will be November 1, 2024, to October 31, 2027. Motion to approve was made by Nigh, seconded by Abel, approved 3-0.

There being no further business to come before board. A motion to adjourn was made by Abel, seconded by Nigh, approved 3-0.

AYE:

NAYE:

ATTEST:

AMY L. GLACKMAN
SHELBY COUNTY AUDITOR