

WARREN COUNTY COMMISSIONERS MEETING
MONDAY JULY 1, 2019

The Warren County Commissioners were sworn in for their first meeting in the month of July 2019 by Michelle Hetrick, Clerk. Present for the meeting were Clay Andrews, Brian Jordan, Adam Hanthorne and Jud Barce, County Attorney. Also, in attendance were Matt Herndon, Jenny Hobough, William Crone, Sharon Hutchison, Brenda Leak, Cheryl Clark, Michael Evans, Jack Dalton, Catherine Dalton, Marci Burton, Nikki Elrod, James Elrod, Janet Sondgeroth, Robert Sondgeroth, Matthew Commons, Perry Conrad, Lon Akers, Neal Austin, Rusty Hart, John Kuiper, Phil Astell, Hunter Armstrong, Lori Austin, Brittany Besse, David Gil, Alex Wallace, Bob Silver, Pam Krzystof, Mike Shettle, Charity Shettle, Earl Davis, Judy Davis, Bruce Buchanan, Lyn Martin, Samantha Hill, Valerie Jordan, Kimberly Dickey, John Kuiper.

1. The meeting was called to order by Brian Jordan, President of the Commissioners.

2. Brian Jordan led the Pledge of Allegiance.

3. New Business:

- a. Approval of Meeting Agenda – Brian Jordan requested to add discussion concerning Confined Animal Feeding Operation zoning to the agenda. Clay Andrews made a motion to approve the additions to the agenda with a second from Adam Hanthorne, all voted in favor.
- b. Clay Andrews made a motion to approve the June 17, 2019 Meeting Minutes with a second from Adam Hanthorne, all voted in favor.
- c. Clay Andrews made a motion to approve the June 17, 2019 through July 1, 2019 Accounts Payable Claim Dockets with a second from Adam Hanthorne, all voted in favor.
- d. Clay Andrews made a motion to approve the June 21, 2019 Payroll Dockets with a second from Adam Hanthorne, all voted in favor.
- e. Highway Department – Brian Jordan inquired about tree damage due to the weekend storms. Matt Herndon, Highway Department Superintendent, stated that all of the damaged trees have been removed from the roads and work is continuing on the cleanup. Most of the damage was in district #1. Herndon stated that the bridge bid from Greg Campbell excavating company is being prepared and will be presented at the next meeting. Herndon explained that our current bridge inspector will prepare specifications for bridge #66 as well as bid. The Community Crossings Grant bids will be opened at a special meeting on July 8th. Jenny Hobough, Office Manager explained she has received pavement and bridge assessment approval which will allow application for bridges and unincorporated towns paving to the CCG application. Herndon stated the ditching machine will be delivered approximately 1 month from now.
- f. Zoning Ordinance – Amendment to Wind Energy Conversion System. Brian Jordan explained the amendment process. The Commissioners sent requests to the Area Plan Commission and the Commissioners will now vote on the amendments. Jordan asked for public and Commissioner comment. No comments were made. Jordan read the following:

Amendment 1: Amend Section 1.5.1 of the Warren County Zoning Ordinance's Wind Energy Conversion Systems (WECS) Siting Regulations ("WECS Siting Regulations") to change residential setback distance measurements as follows:

FROM: "Residential dwellings, measured from the center of the WECS to the nearest corner of the structure."

TO: "Residential dwellings, measured from the center of the WECS to nearest adjacent property line."

Brian Jordan requested proposed changes, motions. Adam Hanthorne made a motion to accept Amendment 1 with a second from Clay Andrews. All voted in favor.

Amendment 2: Amend Section 1.5.1 of the WECS Siting Regulations to increase the setback from adjoining property lines as follows:

FROM: "Distance from a property line, measured from the center of the WECS to the property line: Seven Hundred fifty (750) feet for non-participating landowners Subject to BZA approval, the setback requirement may be waived, in writing, by participating landowners."

"Distance from a residential dwelling, measured from the center of the WECS to the nearest corner of the structure: One thousand two hundred fifty (1,250) feet for non-participating landowners.¹ Subject to BZA approval, the setback requirement may be waived, in writing, by participating landowners.

¹The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within one thousand two hundred fifty (1,250) feet of a COMMERCIAL WECS."

TO: "Wind Turbines must be 2500' from adjoining property lines unless the adjoining property owner signs a waiver allowing a lesser distance. In that case the wind turbine must still be 2500' from the property line of any property owner who does not sign a waiver."

Brian Jordan requested proposed changes, motion. Adam Hanthorne made a motion to accept Amendment #2. Clay Andrews requested a change from 2500' to 1,550'. The reciprocal is removed with the

~~Amendment. Clay Andrews made a motion to change Amendment #2 from 2,500 feet to 1,550 feet with a second from Adam Hanthorne. Clay Andrews and Adam Hanthorne voted in favor and Brian Jordan voted against. Jud Barce explained that with the change, the Amendment will be referred back to the Plan Commission.~~

Amendment 3: Amend Section 1.11.3 of the WECS Siting Regulations to re-insert Subsection C relating to noise profiles as follows:

FROM: Deleted in its entirety by Resolution 2016-018 on August 4, 2016.

TO: "C. Noise Profile, to include without limitation:

1. The make and model of the turbines.
2. Sound Power Levels (Lw) for each turbine for each one-third octave band from 6.3 Hz up through 10,000 Hz.
3. A pre-construction noise study for each proposed Wind Turbine location (ambient noise profile) showing background dBA and dBC sound levels (L90 (10 min)) over one or more valid ten (10) minute continuous measurement periods for each turbine location, nearest dwelling and nearest non-participating owner's property line. The ambient noise levels shall be the L90A sound descriptor measured during a preconstruction noise study during the quietest time of night (10 pm until 4 am).
4. A projection showing the expected dBA and dBC sound levels computed using the one-third octave band sound power levels (Lw) with appropriate corrections for modeling and measurement accuracy tolerances and directional patterns of the WECS for all areas within and to one (1) mile from the project boundary for the wind speed, direction and operating mode that would result in the worst case WECS sound emissions. The projection may be by means of computer model but shall include a description of all assumptions made in the model's construction and algorithms. If the model does not consider the effects of wind direction, geography of the terrain, and/or the effects of reinforcement from coherent sounds or tones from the turbines these should be identified and other means used to adjust the model's output to account for these factors. These results may be displayed as a contour map of the predicted levels, but should also include a table showing the predicted levels at noise-sensitive receptor sites and residences within the model's boundaries. The predicted values must include dBA and dBC values but shall also include un-weighted octave band sound pressure levels from 8k Hz to 10k Hz in data tables.
5. The Zoning Office will refer the applicant's information and sound studies to a Qualified Independent Acoustical Consultant for review and a determination whether the proposed WECS will, based on pre-construction studies and sound modeling, comply with the sound limits set forth in this Ordinance."

Brian Jordan requested a motion, proposed changes. Clay Andrews made a motion against Amendment #3 with a second from Brian Jordan, all voted in favor.

Amendment 4: Amend Section 1.7.3 of the WECS Siting Regulation, repealing and replacing the existing Noise and Vibration standards as follows:

FROM: Noise Standard that apply to Commercial WECS:

At no point within two hundred (200) feet of a residential dwelling may the sound pressure levels from a wind turbine exceed the following sound levels. Sound levels shall be measured with an octave band analyzer or sound level meter and associated filter manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI).

Octave Bands for Warren County in Hertz (Hz), per ANSI	Maximum Permitted Sound Level (In decibels) measured 200 feet from edge of any residential dwelling
63	75
125	70
250	65
500	59
1000	53
2000	48
4000	44
8000	41

TO: Noise Standard that apply to Commercial WECS:

At no point on an adjoining property, including within a dwelling on that property, may the sound pressure levels from a wind turbine exceed the following sound levels unless the adjoining property owner signs a waiver allowing a greater sound level. Sound levels shall be measured with an octave band analyzer or sound level meter and associated filter manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI).

Octave Bands (Hz) decibels	Maximum Permitted Sound Level in (dbA or dbC Leq (1 hr) as appropriate)
2	45
4	45
8	45
16	45
31.5	45
63	45
125	45
250	45
500	45
1000	45
2000	45
4000	44
8000	41

Brian Jordan requested a motion, proposed changes. Clay Andrews made a motion against Amendment #4. Brian Jordan proposed a change to 45 decibels of all Octave Bands. Brian Jordan made a motion to change Amendment #4 to 45 decibels of all Octave Bands (Hz) decibels with a second from Adam Hanthorne. Brian Jordan and Adam Hanthorne voted in favor and Clay Andrews voted against. This will be presented to the Area Plan Commission.

- g. Confined Animal Feeding Operation: John Kuiper, Zoning Director, explained that an applicant was aware that the county zoning ordinance has a clause stating if the applicant that is placing the confined feeding operation on their property, if there is no other residence other than owned by the applicant within a mile of the structure, the application would not go through a hearing for a special exception. Kuiper further explained this was identified by Charles Little under special exceptions in AG districts on page 20, section 33. The actual closest residence is 1.2-1.4 miles other than residence owned by the applicant. Brian Jordan inquired about the Commissioner's options. Barce inquired about the application process that has taken place. Hanthorne inquired about a moratorium. Kuiper stated that the State has approved the application at this point. Hanthorne inquired about the area that has the application. Kuiper stated it is 450N and 500W. Adam Hanthorne made a motion to place a moratorium on projects under section 33.0.22 until the section is addressed with a second from Clay Andrews, all voted in favor. Barce stated if this would be in the July APC meeting, he would need immediate notice of such.

4. Elected Official/Department Head comments:

- a. Rusty Hart, Sheriff, inquired about the custodial shed that is adjacent to the Courthouse. Hart has discussed with the Custodian concerning placing the items in the shed in the Litzenberger building that was recently donated. Hart would like to move the shed to the shooting range for dry storage. Brian Jordan stated he has discussed this the with Custodian and has agreed to moving the items in the shed. The Commissioners stated they are agreeable to the move.
- b. Robin Weston-Hubner, Auditor, stated that the Net Assessed Values have been rolled and balanced with the Auditor and Assessor. The NAV has increased approximately 2%.
- c. John Kuiper, Zoning Director, stated he has had contact with Bob Cary concerning the Ford House in Pence. Brian Jordan will contact Mr. Cary to discuss options.

5. Old Business:

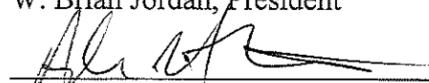
6. Public Comment:

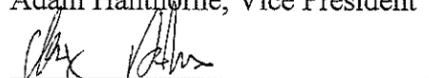
Next Commissioner will be held July 8, 2019 at 8:30 a.m. in the Warren County Courtroom.

There being no further business Clay Andrews made a motion to adjourn with a second from Adam Hanthorne, all voted in favor.

ATTEST 
Robin Weston-Hubner, Auditor


W. Brian Jordan, President


Adam Hanthorne, Vice President


Clay Andrews

