

**WARREN COUNTY COMMISSIONERS MEETING  
MONDAY SEPTEMBER 3, 2019**

The Warren County Commissioners were sworn in for their first meeting of September 2019 by Jill Reynolds, Deputy Clerk. Present for the meeting were Clay Andrews, Brian Jordan, Adam Hanthorne and Mallory Redlin, County Attorney. Also, in attendance were Matt Herndon, Jenny Hobaugh, Randy Strasser, Joe Clark, Kenny Birk, Leo Rumschlag, Perry Conrad, Phil Astell, Valarie Jordan.

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 remove Mahaffy/125S Speed Limit from the agenda as the process has begun for a traffic study. Adam Hanthorne made a motion to approve the agenda with a second from Clay Andrews, all voted in favor.
  - b. Clay Andrews made a motion to approve the Two August 26, 2019 Meeting Minutes with a second from Adam Hanthorne, all voted in favor.
  - c. Clay Andrews made a motion to approve the August 26, 2019 through September 3, 2019 Accounts Payable Claim Dockets with a second from Adam Hanthorne, all voted in favor.
  - d. Clay Andrews made a motion to approve the August 30, 2019 Payroll Dockets with a second from Adam Hanthorne, all voted in favor.
  - e. Highway Department – Matt Herndon, Highway Department Superintendent, presented a preconstruction evaluation from American Engineering Testing, showing the roads to be tested for the Jordan Creek Windfarm, JCWF. Jenny Hobaugh stated this will start the week of September 12<sup>th</sup>. Herndon stated all the culvert and bridge inspections have been done at this point for the JCWF. Bridge #123 is finished and will be open tomorrow with the guard railing being done inhouse. Herndon stated Milestone should be back in mid-September. Jordan inquired about 750 and 250. Herndon stated 750 is longest at a little over 2 miles. One of the dump trucks is at Rahn International having the bed/equip installed, the other is at LeBeau Brothers and will be a Rahn International this week. Should have by the end of the month possibly. Hobaugh explained the bid opening for the 2020 trucks will be on September 16<sup>th</sup>. Clay inquired about 825 mowing around the old train tracks. Herndon stated they will have that done this week. Jordan inquired about the material for the knives at Accuburn for the ditching machine. Herndon explained they are working on the project currently. Andrews inquired about the recycle building from Hobaugh, Solid Waste Director. Hobaugh stated that work is continuing and they are currently using the new dock. The driveway and sign will be installed by the Highway Department. Hobaugh stated when the guys pick up bails with the skid steer, the bales move so they will put up Dura Plate to prevent future issues.
  - f. VS Engineering – Kenny Birk, director of business development VS Engineering, introduced himself. VS Engineering will be presenting request for proposal for County bridge inspection contract by the September 10<sup>th</sup> deadline. The National Bridge Inspection Standards are required by INDOT. Joe Clark, Project Manager, introduced himself and explained the work that VS Engineering does for Fountain and Tippecanoe counties. Randy Strasser, Job Supervisor, introduced himself and explained the work VS Engineering would do on County projects.
4. Old Business:
  - a. Property Maintenance Ordinance – Malory Redlin, County Attorney, explained the changes that had previously been requested and inquired if there were further changes. Jordan inquired about the amount of the fine. Redlin explained section 8 of the ordinance stated up to a \$1,000 fine which gives the commissioners ability to fine up to this amount. The commissioners are the hearing authority. After much discussion, all Commissioners decided the \$1,000 fine is good. Jordan inquired about a complaint form. Redlin explained that currently there is no form and complaints would go to the commissioners. Enforcement officer observations as well as complaints from community members. Andrews inquired what office the forms would be held in. Redlin explained the building commissioner for junk, litter, trash, cars; highway for weeds; sheriff department for violations of right of way, etc. Mallory would propose the building commissioner office and highway having the forms. Rusty Hart, sheriff, stated the sheriff reports are generated by the sheriff department. Jordan would like to standardized the process and guidelines. Redlin stated there is a benefit of having the forms in several offices. Hart stated he would prefer the complaints go to one office for the filing. It was decided the Zoning Office to be the place to file the complaints. Redlin explained the Commissioners are the enforcement authority and after the complaint is filed, the appropriate agent would investigate. There is a 30 day notice that will come from the zoning office and if not complied with, then a notice of violation to appear with the commissioners will be given. The commissioners would hear the evidence and decide the fine, if any. Weed issue, abatement should be in 13 days and abandoned vehicle 30 days. After a hearing occurs with the Commissioners, the complainant would need to file with the Warren Circuit Court if no resolution. Jordan requested a procedure be written. Jordan explained the County has sponsored dumpsters in the small unincorporated towns for cleanup days and he has been told that there may not be as many people to cleanup without having an ordinance. Redlin will make the updates and present in the near future. Weston-Hubner inquired if this could be a nuisance lien and attach the fine to tax bills. Redlin will look into the if this is possible. The Warren County Enforcement Violation Fund will be created with all fines, penalties, etc. receipted into this fund. The ordinance has been tabled until a later meeting.
  - b. Zoning Ordinance Amendment for WEC. Redlin explained the ordinance amendment is from the July 1<sup>st</sup> Commissioner meeting concerning 2 amendment items. The BZA did not make a recommendation at their July meeting thus after 45 days the Commissioners will be able to adopt the amendments. Jordan explained the

ordinance includes the setback to property line rather than corner of residences and sound changes to 45 decibels through all bands. Adam Hanthorne made a motion to adopt Ordinance #2019-0903 to the WEC Zoning Ordinance with a second from Clay Andrews, all voted in favor.

- c. Moratorium on CAFOs – Redlin explained the July 1, 2019 moratorium regarding applications for CAFOs. A group had applied for a permit but had not paid the permit fees. The group is challenging the moratorium. Redlin further explained moratoriums passed outside the zoning code amendment process are void. The Plan Commission recommended changing the ordinance to require a special exception permit for all CAFOs. This will be on the agenda for the September 16<sup>th</sup> meeting. The moratorium will need to be rescinded prior to the September 16<sup>th</sup> meeting. Hanthorne requested a second opinion. Jordan asked for clarification if no action tonight. Redlin explained this is up for consideration requiring a special exception permit for the Sept 16<sup>th</sup> meeting, but the group will need to directly address the individuals that filed the permit. Jordan inquired if not rescinding tonight then can the moratorium be rescinded at the September 16<sup>th</sup> meeting. Redlin stated there is a precedence against the moratorium. By putting restrictions on after a project is started, pulling the rug out from under the individual. Hanthorne would like more information and a second opinion. Hanthorne requested a conference call with Jud Barce, Redlin, Commissioners and the individuals Attorney to discuss. Redlin will discuss with Barce.

5. Elected Official/Department Head comments:

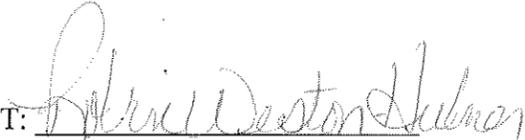
6. Public Comment:

- a. Perry Conrad, County Resident, presented items concerning the Jordan Creek Windfarm project. Sound Enforcement such as type of equipment, qualified person to administer readings and the fine of \$500 per day per turbine funds used to train, contracting, equipment, etc. County Highway response time during construction time. Herndon stated NextEra will be in charge of the roads during the construction, but the highway will work with them. Law Enforcement such as patrolling the roads, weight limits, nuisance reports with generators lighting at night, etc. Hart stated this is something that we will address as the items occur.

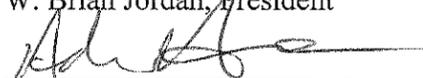
Next Commissioner will be held September 16, 2019 at 8:30 a.m.

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

ATTEST:

  
Robin Weston-Hubner, Auditor

  
W. Brian Jordan, President

  
Adam Hanthorne, Vice President

  
Clay Andrews