

**HIGHWAY/BUILDING/GROUNDS/
ENVIRONMENTAL/WELFARE/ZONING
COMMITTEE MINUTES
September 9, 2019**

Present: Phil Schneider, Chairman
Charles DeClerck, Linda Curtin, Craig Corzine

Absent: Dale Livingston

Others present: Becky Edwards, Cliff Frye, Vince Harris, Mike McClure, Vicki McMahon, Venise McWard, Ray Koonce, Molly Alaria, Donna Hibbetts, Mike McClure, Clark Pearce, Tom Latonis, Jan Bland and many interested parties both pro and con in wind farms.

The meeting of the Highway/Building/Grounds/Environmental/Welfare/Zoning Committee was called for on Monday, September 9, 2019 at 6:30 p.m. in the Christian County Courthouse. The purpose of the meeting was County building issues, wind ordinance revision, highway business and any other matters properly brought before the Committee.

CHILLIFEST REQUEST

Patty Hornbuckle, Chamber of Commerce CEO made her annual request for the Chillifest event on the square October 5 & 6. Set up beginning on Friday and clean-up will conclude Sunday evening. A motion was made by Phil Schneider and seconded by Craig Corzine to approve use of the courthouse grounds for the annual event. The motion carried.

ELEVATOR

Chief Deputy Bruce Engeling and Zach Hicks Maintenance Supervisor discussed briefly the failing courthouse elevator which will not continue to pass inspections if action is not taken quickly. The elevator was installed in 1962 and still runs (sometimes) with old and outdated equipment. Over the years due to the historic nature of the building several updates to codes were grandfathered. The issue is now that the mother board needs to be replaced, which will change most of the elements that were grandfathered. The need is immediate, the cost is most likely over \$200,000 just for the elevator company and the list is long for our staff and/or other professionals to complete prior to OTIS beginning their project. A motion was made by Phil Schneider and seconded by Craig Corzine to act on the elevator rebuild and refer the project to the finance committee. The motion carried.

PUBLIC COMMENTS

Committee chair Phil Schneider called for any public comments. Several members of the audience asked to speak both pro and con to the wind turbine ordinance upcoming topic of discussion. The discussion and comments continued until 8:10 pm. Committee Chair Schneider made a statement as to the issues and his time spent reviewing and researching and the impacts that a wind turbine may have on home and farms. He stated, "The County Board will have to determine what an acceptable setback is. The county will not live with the consequences, the families will—my personal opinion."

Discussion began and Phil Schneider read the following from the current wind ordinance.

1. *All WECS towers shall be set back at least 1000 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closes to the WECS tower to the center of WEC tower foundation. The owner of the primary structure may waive this set back require; but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower height. All WECS towers shall have a setback of 2000 feet from all residential districts.*
2. *All WECS towers shall be set back a distance of at least 1.10 times the WECSs tower height from public roads, third party transmission lines, and communication towers. Any waiver of any of the above set back requirements shall run with the land and be recorded a part of the chain of title in the deed of the subject property. The County Board may waive this setback requirement.*
3. *All WCS towers shall be set back a distance of at least 1.10 times the WECS tower height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.*

Phil Schneider read the revised setback proposal:

1. **All WECS towers shall be set back at least 2600 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closes to the WECS tower to the center of WEC tower foundation. The owner of the primary structure may waive this set back require; but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower height. ~~All WECS towers shall have a setback of 2000 feet from all residential districts.~~**

There was a question as to what is a primary structure. Vince Harris gave the definition as a house not a barn where one or more person occupy the building to live or as a business. Not for storage, or an attached garage, shed or hunting shed.

Phil commented: The waivers are still in place to allow participants to move the setbacks closer if they choose. If the landowners want it closer to the property line or their home, there is a waiver. The waivers place ultimate control locally.

Phil Schneider put into a motion as stated and summarized 2600 feet primary structure and this eliminates the 2000 feet residential with waivers in place. Craig Corzine seconded the motion. A roll call vote polled: Phil-yes, Craig-yes, Linda-no and Charlie-no with Dale absent.

With a tie vote Phil asked the States Attorney if this tied motion would go to the board. Mike Havera responded, "I don't believe it does. I don't know. I mean, if the Board can take it up if it wishes but as far as I know ... never got out of committee."

Phil asked another question: Can the motion be made at the full board since it was considered here? Mike: The board can put it on the agenda and consider it if they wish. ... I just know with a tie vote it doesn't come out of committee.

The second item as printed in the current ordinance:

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2. *Page 4 E. Compliance with the Federal Aviation Administration.*

The applicant for the WECS shall comply with all applicable FAA requirements and shall provide documentation of compliance to the Christian County Zoning Administrator.

Phil read his proposed changed language.

The applicant for the WECS shall comply with all applicable FAA requirements and shall provide documentation of compliance to the Christian county Zoning Administrator. All WECS towers shall be fitted with Aircraft Detection Lighting Systems (ALDS), or a comparable technology, suitable for meeting the FAA obstruction marking and lighting requirements.

Phil made the motion and Linda Curtin seconded the motion. A verbal vote carried the motion.

The third item as printed in the current ordinance:

3. *Coordination with local fire departments—page 8 section 2*

Upon request by the local fire department, the owner of operator shall cooperate with the local fire department to develop the fire department's emergency response plan.

Phil read two options to make a change to the above that would cover any city's expense for training.

Option 1- Upon request by the local fire department, the owner of operator shall cooperate with local fire department or fire departments, to develop the fire department's emergency response plan. The owner or operator shall cover all costs with regard to any training or equipment necessary to execute the emergency response plan.

OR

Option 2

The owner or operator shall submit an emergency response plan approved by the fire department(s) having jurisdiction over the project territory, and shall provide a list of all hazardous materials associated with the project on site with the County EMA and all emergency response agencies having jurisdiction over the project territory. The owner or operator shall cover all costs with regard to any training or equipment necessary to execute the emergency response plan.

Craig Corzine commented that the second option would cover any expense for training and allows the owner/operator to develop the plan. Phil made the motion to amend the current ordinance and was seconded by Craig Corzine. A verbal vote carried the motion.

4. Craig Corzine asked to make a motion on setbacks with Charlie DeClerck giving the second as follows:

All WECS towers shall be set back at least ~~2600~~ 2640 feet from any Primary Structure the property line. The distance for the above setback shall be measured from the point of the Primary Structure foundation closes to the WECS tower property line to the center of WEC tower foundation. The owner of the primary structure

may waive this set back requirement; but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower height ~~All WECS towers shall have a setback of 2000 feet from all residential districts.~~ with waivers.

A question was called if this motion had already been voted. The contents are not the same.

Phil Schneider read the revision: This motion passed and the ordinance shall now read: *All WECS towers shall be set back at least 2640 feet from the property line. The distance for the above setback shall be measured from the property line to the center of WEC tower foundation. The owner of the primary structure may waive this set back require; but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower height (with waivers).*

OTHER COMMENTS

Member Linda Curtin asked for clarification on rumor that has been called upon to dispel. The question is there eminent domain and is this a backdoor provision in the Enterprise Zone? She stated that this disturbs her and her character as a county board member as well as the other county board members. Chairwoman Edwards spoke up quickly to put the rumor to rest. Coincidentally, next week is a hearing on a new application for the Enterprise Zone. An Enterprise Zone cannot enact eminent domain.

At 8:38 pm a motion was made by Craig Corzine and seconded by Linda Curtin to adjourn. The motion carried.

Respectfully submitted,
Phil Schneider, Chairman