

Randolph County Commissioners

July 21, 2022

The Randolph County Commissioners met at their regular meeting at 9:00AM in the Commissioners and Council Room in the Courthouse with the following members present: Board President Michael Wickersham, Tom Chalfant and Gary Girton. Also present was Randolph County Auditor Laura J Martin, Sheriff Art Moystner and County Attorney Meeks Cockerill.

Michael Wickersham, President presided over the meeting.

Pledge of Allegiance

Grace Minkis – Riverstart Solar Park III & EDPR Fiber Agreement

Mike said okay so our EDPR, Solar Park III, EEA and Road Use agreements are kind of up in the air.

Meeks said the decommissioning is finalized. I agree with that. If anybody has any questions on that one, let me know. The Road Use agreement is 99.9% done. I think it's a 100% done after the conversation I just had with Chris. They're going to delete, they wanted to delete the whole warranty and we have been very adamant that we need a warranty on those. So, I want to tell you there's been a lot of push back on that warranty provision. I think you guys might or might not have seen my comment. I just told them to strike the last clause for the third-party engineer. We don't need a third-party engineer telling us what we had agreed to. We did, it was just the agreement by the parties when the completion date was done.

Mike said so even though they're paying for the third-party engineer.

Meeks said well I don't want them paying for a third-party engineer, then the third-party engineer tell us that.

Mike said they can approve it.

Meeks said well we can agree with them. I mean now it's just between the parties, agreed amongst the parties. And not agreed amongst the parties for the third-party engineer. I want us to have a little bit of control on that thing. So that agreement's done. Chris said they are good. They put the warranty back in. So, I think we are really good on the Road Use agreement.

Mike said I guess I was curious why the, it's Section 10, compensation for use of designated roads. Why wouldn't the post construction restoration read as broad as the repair upon completion of the decommissioning activity. I would think those would read the same as far as what needs to be done.

Meeks said okay post construction restoration.

Mike said I mean it doesn't talk about bridges and it doesn't talk about culverts. It just talks about roads. And then you get into decommissioning, it talks about bridges, culverts, signage and other road fixtures,

and any county owned drain tile or open ditch is damaged by the developer, when the developer terminates the project or any phase of the project, then he decommissions the project or such phase.

Meeks said I know this is the language we've had in our other one. So, I'd have to pull the other ones and look at my, this, the only thing that changed on this was that we made sure that the company paid for the third-party engineer.

Mike said so we should consider it an improvement I guess. I mean it, developer shall maintain and restore designated roads to at least their pre-construction condition as established by the road condition report based upon specifications. And that's all it talks about is the road. Now during construction, it talks about repairing the culverts, it talks about repairing drains, it talks about repairing bridges based upon an engineer's inspection pre-condition. But post construction, it doesn't really talk about that.

Meeks said I know the drains are addressed.

Mike said they're addressed in the construction.

Meeks said right.

Mike said and they're addressed in decommissioning, but they're not addressed after they are done that I can find.

Meeks said I'll look but I think they are.

Mike said and again I think, simply put, A could read a lot like B does. And I just think it would be, to me, it sounds like two paragraphs ought to read exactly the same to an extent. That was the question I had. And there is no inspector in here.

Meeks said go to Section 4. That's a road condition report.

Mike said right. But there is no, like in the past, we've had inspectors that pay attention to what they've done, and they pay for it. And there is no inspector in here. At least as I searched this document, I can't find an inspector. I can find lots of inspectors but that's by our highway department or their engineer.

Meeks said I think that they, what they had said it's since it's two miles of road, and not whatever it was.

Mike said okay.

Meeks said I mean, I think that was what the reason. They said why are we doing it for two miles.

Mike said okay so I guess I request why is decommissioning different than post construction and repair.

Meeks said and I wonder if were the same answer, but I'll have to ask.

Mike said and there may not be any culverts or bridges in the two-mile road.

Meeks said it might be that.

Mike said so there's lots of different places were decommissioning.

Tom said we know that or we can't know that.

Mike said I mean we all know that they designate roads, but they go beyond that.

Tom said yeah.

Mike said they don't use just the designated road map.

Tom said I think even those pickups, they got pickups driving up and down the road that just wears things out.

Mike said and I guess like you say, they might be able to explain why it's different. And if that's, can be done. That is the question I was going to ask them if they were here.

Meeks said I'm looking at the prior agreement. I think it's the same there too.

Mike said it is the same? The prior draft?

Meeks said the prior draft. I'm seeing if it's the original draft. And the written, this one was based on. The only difference between those two is they dropped the performance bond requirement and put it in the next section under financial. So that's probably been carried over from a previous agreement.

Mike said for me, I think it would be an improvement if they were the same. I really do. I mean there's not a whole lot of difference between, unless they can explain the difference.

Meeks said yeah, we'll ask.

Mike said and in both instances.

Meeks said Solar.

Mike said Solar is not as destroying as wind. Okay. Anything else on the EDPR agreements Tom.

Tom said no.

Meeks said uh, do you want to talk about the decommissioning here. I mean, I'm sorry, the economic development agreement.

Mike said oh I'm sorry.

Meeks said yeah, I know we talked about it but Gary wasn't here.

Mike said okay.

Meeks said and this is a theory too. It's on Section 3.05 assessed evaluation. I do agree with them, that the first sentence should be struck. So, Rick, and to his credit, put this in there, and I think it reads better than what our other agreements read. Our other agreements said that if there's a change in law, whatever the law was when we ended these agreements, is going to. This is more like explaining what the law is. The law at this time right now, you are going to agree to it. With what the solar can be assessed at, and the central region is something like \$13,000.00 per acre. A maximum of \$13,000.00 per acre. And the

DLGF puts that up every year and then changes. So, it was like \$32,000.00 two years ago, it's like, it was \$13,100.00 a couple years ago. I mean it's changed with a hundred bucks the last couple of years. So, it's \$13,000.00 now. And \$9,270 is what George is assessing it at. He based that assessment on an income approach, I don't know what that means. I know what it means, but I don't know how he arrives at the figures. I don't know how he does the calculations or anything. He says well the farm; land owner gets 800 bucks an acre. So, since that, this is how we are assessing it. Baker Tilly did not make any of those. They did not analyze that. They didn't look at it. They didn't double check anything. Actually, in their assumptions, this isn't even in any of the assumptions. So, what I have told the companies, 11:53 or whenever I got that last night, put the \$9270 as a maximum we can assess it at. And this morning, I told Chris, there is no way the commissioners can do that without an analysis. That Baker Tilly says, and I don't know. It's changed. It's changed. So, we're not going to agree to a maximum of \$9270 when I know it's going to change. And so, I'm like either, what we, what Rick had in there and what I agreed with Rick, I said Rick put in there whatever the state says. So, we put the state max. So now they have a floor of \$9270. They have a max of whatever the state says. I thought that was reasonable. I still think it's exceedingly reasonable. And so, I told them that we are not going to sign it without either no max or Here's the floor. And we don't say anything about the max. Now they're saying can we take out this entire, well, the entire, I don't know what their problem was with the section. They had not explained to me what their problem is because if you go back to the original agreement, that's what it says. But this is just a little more explicit. It's a little more easier to understand. So, since it's easier to understand, I think it's a better section. I just do. But they want to go back, you know, I'll talk to Rick and see what he thinks and get his advice on that. It's really a policy question at that point. But I, it's not with the \$9270 with the max. We cannot do that.

Mike said \$9270 is the minimum.

Meeks said yeah I mean I can agree to a minimum because that's what George came up with. I mean okay. I'll even agree to \$9200 I mean you know, it's because that's, it fluctuates a couple hundred bucks. I can agree with those. But I know those rents go up every year. I've read the leases. If they're basing it off \$800, I read a lease last week for a new wind, a new solar, which was \$1,200.00 an acre. And so, I'm not going to, I don't know what they're paying these people. It was a big tract, 4, 5 hundred acres, just signed up. Hasn't gone in yet, they just signed. But I know over in Delaware, I read one with \$900. So, I mean that's kind of where we're at right now. Other than that, I think everything else has been agreed to. And I don't have any problems with the rest of it.

Mike said so that's section 303.

Meeks said 3.05.

Mike said and you thought a red line version or the modified version.

Meeks said I, their last red line version and I have Rick's version here too.

Mike said but we don't have that.

Meeks said yeah, I mean it's not, it's exceedingly frustrating. I mean I got this thing. I'll give it to you. I mean, I went to the office, I was at the office at 6:30 this morning sending out that email to Grace.

Mike said I can't find that agreement in here.

Meeks said I was still waiting at the office for the version on my phone, but yeah. I'll send it, when we get the final, I'll send them all back out to you guys is the only thing I can tell you. So, if there's any

questions about it, other than a road use, I'll address that one. You guys let me know. But I think just, so if you think about it, Three thousand bucks, \$3800 an acre, or \$3300 an acre at 2% is what \$66 an acre.

Tom said yeah, uh huh.

Meeks said times how many acres are in these projects.

Meeks said so if you're talking a lot of ground but, the analysis wouldn't be, we don't get all that. The county doesn't get all that. If it would be up against the property tax caps. Because we wouldn't get any of it right. But it would alleviate some of our tax cut problems. I mean Union Township has one too. I don't know.

Mike said can I see that.

Meeks said yeah.

Mike said I wanted to see Section 305, the one that's modified.

Meeks said and here is the, I have so many drafts of these. Here's the, here's what Rick originally sent with my notes.

Mike said I don't need that. I'm going to modify this copy that you sent me or try to.

Meeks said okay I can send it to you.

Laura said I can forward it.

Mike said anything else on the EDPR.

Meeks said uh no. I guess we'll just do this on our August 1st one because I'm going to be gone next week.

Tom said I guess I was just wondering, maybe I was discussing any place we have a highway superintendent, if we would put on the county engineer, if that would be too much.

Meeks said the next one we'll go that. I don't want to get them any more curve balls.

Mike said I think we can control that.

Meeks said we can control that. We can do that. We can tell the highway, you send it right to the engineer or we can do that. And I will say this, I told Tom this, I sent that to Joe, the agreement. He turned it right around, he got back to me on Tuesday. Everything he put in there were very on point, good ideas. Actually, one of them, I tried to incorporate it, it was another agreement. Here's the problem Mike. And this is the problem I ran into at 6:30 this morning. I have a draft from Rick, they did not go off Ricks draft. They went off a prior draft that they had. So, I had Rick's draft on one side. I had their draft on the other side. And I was trying to figure out what they changed from Rick's. So, I'm just telling you ...

Mike said to simplify things, can we take your Section 305, copy it, scan it to PDF and send it out, then we'll know what 305.

Meeks said I will send you both versions of them.

Mike said I just need that page. I don't need the whole agreement.

Meeks said well two pages. The two pages.

Mike said two pages and that way it'll separate itself on here.

Meeks said I will send you the last updated form that Rick did, and the last updated one they did, because if they would have worked off Rick's draft. Are you following me.

Mike said yeah. But I don't know why the draft doesn't look like a draft when I get it. So that's.

Laura said yeah because on my computer, it doesn't look like a draft either.

Meeks said it does not look like a draft.

Laura said but if you pull it up on the computer, it does.

Meeks said yeah I pulled it up, I'm telling you, Rick, I was complaining to Rick about this last night, and he agrees they're using some sort of formatting that he doesn't understand either. But he was complaining about the formatting, I was really complaining about it.

Laura said yeah it still don't look like a draft on his.

Mike said still doesn't look like a draft.

Laura said but see mine has a comment section on my computer.

Mike said maybe it's because I didn't download

Meeks said I will send that when I get back to the office.

Mike said okay and questions on the EDPR agreements.

Broadband Ready

Mike said so the next item we talked about was Joe Batt's Broadband Ready community email that he had sent out. And I do recall, and I did find back in August of 2020, we passed a Broadband Community Ordinance. But I didn't find anywhere where we appointed anybody a single point of contact. I did see in our minutes where Randolph United said they could be the single point of contact. But I don't see any resolution to that effect or Broadband plan to that effect. And I think Joe is kind of indicating if we want to put ourselves out there, and him being, and I think what's happening and I've not talked to Joe, but I think he's probably getting a lot of calls and he's feeling uncomfortable answering questions as a volunteer committee chairman.

Meeks said I'm going to say that's absolutely, I had talked to Joe, and that is a very accurate assessment.

Mike said so and then I, his suggestions about procedures to allow for electronic submission of all forms, applications and documentation required for a broadband development project. I mean if we, I don't even know what those forms would be. And I guess if we had the forms, then a simple email to our single point of contact would solve that problem. And then the requirement that all permit applications are

approved or denied within ten business days, then I wouldn't know why we wouldn't just use the technology committee to do that, to approve those. And then I'm not sure who is going to inspect them, but I suppose that would be a technology committee function as well. I don't know what that entails. I sure can't do it. I can't even get my emails straight on this thing. The question is how do you want to proceed on this Broadband Ready. Do you want to have Meeks draw us up a resolution that establishes the process and procedure to approve and inspect Broadband projects, who has the authority and responsibility to do that?

Tom said I guess I don't see a committee, a volunteer committee doing that very well.

Mike said okay. So, what's your alternative to that?

Tom said well I think it should be one of us or our designee or somebody that's, somebody's that being paid to, in sum form or other. Somebody on our staff, which we don't have much in a way of staff, other than the Auditor's office.

Laura said none of us have the IT expertise to do this either.

Mike said I don't even know if, you know, what forms, applications and documentations we would request from a Broadband provider to give us.

Gary said I would think that would be something that Tower King could provide us, since we're paying them for consulting at the present time, that they could provide us with that, because they have towers, and they least their towers to different Broadband companies. So, I would assume, I'm just assuming that they would have that information since they do that.

Mike said so where do you suggest should be our single point of contact.

Tom said well Gary has to so far so.

Gary said well I just, I don't have the technology. We need somebody, and I don't know who that's going to be, that's can look at the documentation and the documents that come in and see if there's any potential whether we move forward or whether we just stop. I just don't know.

Tom said we can't put that on Joe Batt. I don't know who else.

Gary said anyone with the technology, technical ability is Steve Barnes but then his company is in the margin so he's not in a position to do that. Technically, he is, but as far as his position he's not.

Tom said right, yeah he can't do that for us.

Mike said so what do you suggest we do.

Tom said I can't think of anybody.

Meeks said don't look at me. I can't even send an email to Mike.

Mike said well I guess we could ask the technology committee, what their recommendation would be with regards to this. I think if we got a single point of contact and if we got approval, set out, then approval within ten days would be good, so long the approval is not a I guess, an elected body, we're not going to be able to make the approval in ten days. And I don't think any of us want to make that

approval. I don't know, maybe you do. I don't think we do, and it's a ten-day problem, so we're either going to have to, as you say, I don't know, maybe we, I don't know.

Tom said if we had our IT person, would this be something to fall into his job description.

Mike said probably could. I mean it could. It could fall into the deputy auditor's job description if we wanted to do that. I think you're right, it's going to be, but, and maybe it's set up that I don't think you're going to be able to do that either. You're not going to have the broadband company pay for our person to do that. I don't know. So, what do you want to do with it. Do you want to just reach out to Joe Batt to find out what he suggests, or do you want to, I mean, does Monroe County, is it a Broadband ready community?

Meeks said I don't know.

Mike said do you want to call your brother and see what they've done.

Meeks said they have a county administrator so, that would coordinate that stuff.

Tom said if we had a full-time commissioner, that would be a good job for him.

Mike said okay. Well let's go on to something maybe we can make a decision on.

EMERGENCY COMMUNICATION TOWER MAINTENANCE

Mike said Emergency Communication Tower Maintenance.

Tom said that's somebody else we need to hire huh. I don't think it's a big deal.

Mike said I would think that Chris Shaneyfelt would be the one to do the inspections. He's indicated he was going to take care of the maintenance on the tower itself. I would think we could include the sheds and generator and the equipment in there all with that.

Tom said yeah, well if he's doing one, he could do it all. So yeah.

Mike said he's not obviously, going to be able to fix it, but he could find out if there's an issue and contact the, as far as the tower, the people at MPX that they could take care of the tower. And would do so for three years. But I'm not sure where the buildings came from. Not sure who built those. So, do we just want to alert Chris to that, ask him to do that. Along that lines, I went to a fire chief's meeting Tuesday night where some discussion was had about the new communication systems. And it seems that the fire departments' pagers and analog radios are not, pagers are not working as well as they used to. And analog radios, they get a little scratchy compared to the digital radios.

Tom said do they want us to buy them all new radios.

Mike said I think that's what it's coming down to.

Gary said was Chris there.

Mike said yeah, Chris, yes. And the guy from J&K was there. And basically, to have the system work at it's optimum level, and let me back up. One of the issues they had on this fire across the street because of some, and got beyond me again, because of some channel not being available, they were not all being able to communicate together. And it was brought up if they added a channel, I don't know a direct

communication channel or what, into the system, that would improve that likelihood. And that would be a \$150,000.00. But, overall, for the entire county, it would improve all the communication with departments, the ten fire departments, the police departments, the EMS and 911. And they're not having a problem communicating 911, it's more amongst themselves in getting notices. But those, all those groups that we bought new digital radios and digital pagers, 700 radios and 700 pagers for them, it would be \$2725 per radio per pager. \$2,725.00 for a radio and a pager.

Tom said times 700.

Mike said oh no times, they're going to get that number to us, but it's more like I was estimating 8 per department. That would be 80. And that would be the most it would be. I mean you could.

Tom said uh huh. Three years.

Mike said you could require buy in from them obviously. Then you pay for half of them and incentivize them. I just want you to know that that's coming down the road. Well and I think one of them, I forget which one indicated that because of the pager not working, he was at least 3 minutes late leaving his house for a fire. And I don't know if that would want to be your house or my house or your house, but that three minutes in his mind was an important three minutes.

Gary said and they didn't know this to start with.

Mike said we did know this.

Meeks said yeah we talked about this.

Mike said we talked about who would upgrading their radios.

Gary said I know but.

Mike said that they wouldn't have to upgrade their radios.

Tom said yeah we were told it would all work fine.

Mike said it is working fine depending who you are, and where you are.

Meeks said they always knew that they were going to have some.

Gary said the fire people knew that they were going to have an issue. Everybody else was supposed to be.

Mike said the fire people are the only ones having an issue.

Gary said right. But they never got that going very well to start with on correcting things.

Mike said and we also know that even though we put the three towers up, there's gaps out there that weaken the signal. That creates a bigger problem.

Gary said well there's a few gaps with, very little with the police.

Mike said right but I think they're all digital.

Gray said right.

Mike said that's, I just bring that forward as information.

Ordinance 2022-22 Amending Speed limits

Mike said Ordinance 2022-22 Amending Speed limits.

Meeks said is this the one extending it or is this the one that's.

Mike said making it permanent I believe.

Laura said this is the second reading on this.

Mike said I guess we've got until the end of August. We've got two more meetings to read this. Based on Mike's email, two things I think need to happen. One is I think we need to see what EDPR's willing to pay for our sign post at \$80.00 a post. How many signs are out there.

Tom said I mean that's just a piece of steel.

Mike said \$80.00.

Tom said well yeah I can't believe that.

Gary said who put the signs.

Mike said I don't have a reason not to believe it.

Gary said the signs that we have up now, are the ones that.

Meeks said they're reflective.

Mike said to meet state requirements, we're just not on the right sized pole for state requirements. So, they don't meet all the state requirements, according to Mike.

Tom said they're a couple feet away from maybe where they're supposed to be.

Meeks said who put them up. Did we put them up?

Gary said I think EDP did.

Mike said and then his email was kind of cryptic about. He said if we passed this ordinance, businesses would complain because people were going to drive too fast. And this ordinance slows them down, so I don't understand that.

Gary said what. I must have missed that one.

Mike said I'm not sure you were on that email.

Gary said when did you get it.

Tom said yesterday.

Gary said I never got back until 7:30 last night and I just went through the EDPR for this morning.

Mike said I, personally, I'm not sure if this is a good idea to make permanent. It might open up a number of small businesses that complain about traffic going too fast. Maybe he's thinking if we slow down speeds there a number of small businesses will want us to slow down speeds elsewhere. Maybe that's what he's thinking.

Meeks said I think that's what he's thinking. We're going to have to lower speed limits all over the place. That's how I took it when I read it. I thought he was making oh, I have a business out on 400 North, I'm going to want it 45 miles. I have a hog barn on 800 East.

Mike said well we can say no.

Meeks said well that's how I took it, but I don't know.

Mike said do you want to act on this, making these signs permanent or do you want to wait until.

Tom said wait.

Gary said in my opinion, we wait.

Mike said want to wait.

Tom said yeah.

Mike said okay.

Citizen Comments

Mike said any citizens here with comments.

Ed Thornburg asked what are they wanting to lower it to.

Meeks said 45.

Mike said there's one 30 mile an hour on County Road 400 West between 600 and South and 700. There's one, two, three, four, five, six, seven 40 mile an hour and there's one, two 45 miles an hour.

Ed said the reason I asked is cause unless I'm mistaken and I probably am, I thought the rural speed limit was 45 miles an hour anyway.

Mike said I thought that too.

Tom said it's 55 unless otherwise posted.

Meeks said I think it's 55.

Ed said I thought in their ordinance book there's.

Mike said can you find that out for us.

Tom said it came to me that I'm probably being presumptuous, but maybe Gary Friend could be our point of contact for broadband. He's pretty much I think, going to become, take over my position. I think that's a safe assumption.

Gary said I don't think he's anymore technically qualified.

Tom said well I've talked, mentioned a little bit about making him a full time or more of a county administrator, executive or something full time. I mean that could be the responsibility that fall into that job. That's something you guy can worry about. I'm just throwing it out there for you guys to think about so. I mean as things, as all these things go to technology, we're going to need more, yeah we're going to need some.

Mike said well I'm not certain that couldn't be a responsibility of the Economic Development office, Randolph United.

Tom said yeah but right now, I mean, I was supposed to have a finance meeting yesterday.

Mike said that is right now.

Tom said well how many people have had that people. I mean how many. I don't know who that would fall to if we don't have a director any way.

Meeks said you might want to change that.

Meeks said it's not an Ordinance book. If you get caught speeding in the county now, it's not an ordinance violation. They'd have to write it on state statute.

Mike said state statute says what.

Tom said 55 unless otherwise posted.

Meeks said I think it's 55.

Tom said unless otherwise posted.

Laura said that's what Art indicated when we did this the first time.

Mike said I thought he said 50.

Gary said no he said 55 unless otherwise posted.

Mike said I'm telling you what, 55 on our county roads is too fast. Other than one, one on here, 300 West we could post that at 75.

Meeks said so I just want to, one last thing. I'm going to tell the company I'm leaving it that the commissioners are going to bring this up again at their meeting on Monday. That'll be a week from Monday, and that they need to get me all those things to get those approved.

Mike said and we'd like our copies.

Meeks said they know that. And need copies of everything well before or we're not going to pass anything.

Mike said okay. Anything else.

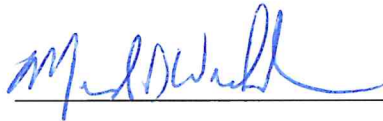
Adjournment

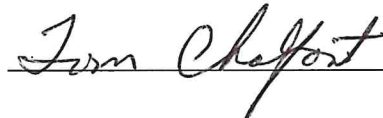
Mike said I'll move we adjourn.

Tom seconded. All aye votes. Meeting adjourned.

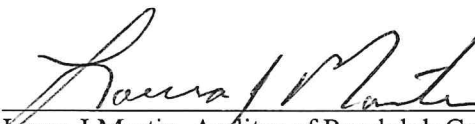
Reviewed and signed this 3 day of October, 2022.

RANDOLPH COUNTY COMMISSIONERS







ATTEST: 

Laura J Martin, Auditor of Randolph County